

Cramer	Hostettler	Moran (VA)
Crane	Houghton	Morella
Crenshaw	Hoyer	Murtha
Crowley	Hulshof	Myrick
Culberson	Hunter	Nadler
Cummings	Hutchinson	Napolitano
Cunningham	Hyde	Neal
Davis (CA)	Inslee	Nethercutt
Davis (FL)	Isakson	Ney
Davis (IL)	Israel	Northup
Davis, Jo Ann	Issa	Norwood
Davis, Tom	Istook	Nussle
Deal	Jackson (IL)	Oberstar
DeFazio	Jackson-Lee	Obey
DeGette	(TX)	Oliver
Delahunt	Jefferson	Ortiz
DeLauro	Jenkins	Osborne
DeLay	John	Ose
DeMint	Johnson (CT)	Otter
Deutsch	Johnson (IL)	Owens
Diaz-Balart	Johnson, E. B.	Pallone
Dicks	Jones (NC)	Pascarell
Dingell	Jones (OH)	Pastor
Doggett	Kanjorski	Paul
Dooley	Kaptur	Payne
Doyle	Keller	Pelosi
Dreier	Kelly	Pence
Duncan	Kennedy (MN)	Peterson (MN)
Dunn	Kennedy (RI)	Peterson (PA)
Edwards	Kerns	Petri
Ehlers	Kildee	Phelps
Ehrlich	Kilpatrick	Pickering
Emerson	Kind (WI)	Pitts
Engel	King (NY)	Platts
English	Kingston	Pombo
Eshoo	Kirk	Pomeroy
Etheridge	Kleczka	Portman
Evans	Knollenberg	Price (NC)
Everett	Kolbe	Putnam
Farr	Kucinich	Quinn
Fattah	LaFalce	Radanovich
Ferguson	LaHood	Rahall
Filner	Lampson	Ramstad
Flake	Langevin	Rangel
Fletcher	Lantos	Regula
Foley	Largent	Rehberg
Ford	Larsen (WA)	Reyes
Fossella	Larson (CT)	Reynolds
Frank	Latham	Riley
Frelinghuysen	Leach	Rivers
Frost	Lee	Rodriguez
Gallegly	Levin	Roemer
Ganske	Lewis (GA)	Rogers (KY)
Gekas	Lewis (KY)	Rogers (MI)
Gephardt	Linder	Rohrabacher
Gibbons	Lipinski	Ros-Lehtinen
Gilchrest	LoBiondo	Ross
Gillmor	Lofgren	Rothman
Gilman	Lowe	Roukema
Gonzalez	Lucas (KY)	Roybal-Allard
Goode	Lucas (OK)	Royce
Goodlatte	Luther	Ryan (WI)
Gordon	Maloney (CT)	Ryun (KS)
Goss	Maloney (NY)	Sabo
Graham	Manzullo	Sanders
Granger	Markey	Sandlin
Graves	Mascara	Sawyer
Green (TX)	Matheson	Saxton
Green (WI)	Matsui	Scarborough
Greenwood	McCarthy (MO)	Schaffer
Grucci	McCarthy (NY)	Schakowsky
Gutierrez	McCollum	Schiff
Gutknecht	McCrery	Schrock
Hall (OH)	McDermott	Scott
Hall (TX)	McGovern	Sensenbrenner
Hansen	McHugh	Serrano
Harman	McInnis	Sessions
Hart	McIntyre	Shaw
Hastings (FL)	McKeon	Shays
Hastings (WA)	McKinney	Sherman
Hayes	McNulty	Sherwood
Hayworth	Meehan	Shimkus
Hefley	Meek (FL)	Simmons
Hill	Meeks (NY)	Simpson
Hilleary	Menendez	Sisisky
Hilliard	Mica	Skeen
Hinchey	Millender	Skelton
Hinojosa	McDonald	Slaughter
Hobson	Miller (FL)	Smith (MI)
Hoeffel	Miller, Gary	Smith (NJ)
Hoekstra	Miller, George	Smith (TX)
Holden	Mink	Smith (WA)
Holt	Moakley	Snyder
Honda	Mollohan	Solis
Hooley	Moore	Souder
Horn	Moran (KS)	Spence

Spratt	Thune	Watt (NC)
Stark	Thurman	Watts (OK)
Stearns	Tiahrt	Waxman
Stenholm	Tierney	Weiner
Strickland	Toomey	Weldon (FL)
Stump	Towns	Weldon (PA)
Sununu	Trafficant	Weller
Sweeney	Turner	Wexler
Tancredo	Udall (CO)	Whitfield
Tanner	Udall (NM)	Wicker
Tauscher	Upton	Wilson
Tauzin	Velázquez	Wolf
Taylor (MS)	Visclosky	Woolsey
Taylor (NC)	Vitter	Wu
Terry	Walden	Wynn
Thomas	Walsh	Young (AK)
Thompson (CA)	Wamp	Young (FL)
Thompson (MS)	Waters	
Thornberry	Watkins	

NOT VOTING—19

Ackerman	Herger	Sanchez
Becerra	Johnson, Sam	Shadegg
Bishop	LaTourette	Shows
Callahan	Lewis (CA)	Stupak
Cooksey	Oxley	Tiberi
Cubin	Pryce (OH)	
Doolittle	Rush	

□ 1432

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore (Mrs. BIGGERT). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 31 minutes p.m.), the House stood in recess subject to the call of the Chair.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HANSEN) at 5 o'clock and 47 minutes p.m.

□ 1747

COMMUNICATION FROM HON. RICHARD A. GEPHARDT, DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from RICHARD A. GEPHARDT, Democratic Leader:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, March 7, 2001.
Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, U.S. Capitol,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to clause 5(a)(4)(A) of Rule X of the Rules of the House of Representatives I designate the following Member to be available for service on an investigative subcommittee of the Committee on Standards of Official Conduct:

Mr. Clyburn of South Carolina.

Sincerely,

RICHARD A. GEPHARDT,
Democratic Leader.

APPOINTMENT OF MEMBER TO INVESTIGATIVE SUBCOMMITTEES OF COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

The SPEAKER pro tempore (Mr. HANSEN). Without objection, and pursuant to clause 5(a)(4)(A) of rule X, the Chair announces that the Speaker named the following Member of the House to be available to serve on investigative subcommittees of the Committee on Standards of Official Conduct for the 107th Congress:

Mr. HULSHOF of Missouri.

There was no objection.

The SPEAKER pro tempore. Additional Members will be designated at a later time.

DISAPPROVING DEPARTMENT OF LABOR RULE RELATING TO ERGONOMICS

Mr. BOEHNER. Mr. Speaker, pursuant to House Resolution 79, I call up the Senate joint resolution (S.J. Res. 6) providing for congressional disapproval of the rule submitted by the Department of Labor under chapter 8 of title 5, United States Code, relating to ergonomics, and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The text of the Senate joint resolution is as follows:

S.J. RES. 6

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the Department of Labor relating to ergonomics (published at 65 Fed. Reg. 68261 (2000)), and such rule shall have no force or effect.

The SPEAKER pro tempore. Pursuant to House Resolution 79, the gentleman from Ohio (Mr. BOEHNER) and the gentleman from California (Mr. GEORGE MILLER) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. BOEHNER).

GENERAL LEAVE

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S.J. Res. 6.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BOEHNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to bring this matter of great importance to our economy to the floor of the House for debate. For the first time the House will act under the auspices of the Congressional Review Act of 1996. We do so because of the over-reaching ergonomics regulation finalized by the Occupational Safety and Health Administration last November.

The ergonomics regulation has long been the subject of much debate in this

House. Yet despite the efforts of so many in Congress to get OSHA's attention about specific concerns with ergonomics regulations, the regulators have not listened.

Well, contrary to the belief of many, Congress is neither a bit player nor an innocent bystander in the regulatory process. In considering this joint resolution, Congress will demonstrate that we do indeed read the fine print in the Code of Federal Regulations.

Since the ergonomics regulation went into effect 4 days before the start of the new administration, I have heard from numerous companies and associations employing hundreds of thousands of workers. Each one has asked that the House pass a joint resolution of disapproval on this ergonomics regulation. And why is that?

Not because they are anti-worker or opposed to safety and health protections in the workplace. Many of these employers already have their own well-established ergonomics programs in place. Now they find themselves confronted with an unworkable, excessive regulation that will create more problems than it solves.

We will hear much today about the congressionally mandated National Academy of Sciences study on musculoskeletal disorders in the workplace. Let me make two important observations about that study. First, despite Congress' desires that OSHA wait until completion of the National Academy study before going forward with an ergonomics regulation, OSHA completed its ergonomics regulation without the benefit of the National Academy study.

Secondly, while the study confirms that MSDs are a problem and there are ways to help alleviate them in the workplace, many of which are already being done by employers, the National Academy of Sciences study does not offer an opinion or endorsement of this ergonomics rule.

Again, no one is opposed to providing appropriate ergonomics protections in the workplace. The Secretary of Labor has indicated her intent to pursue a comprehensive approach to ergonomics protections. I look forward to working with her and my colleagues on such an effort. But this ergonomics rule that we are debating today cannot stand, and I strongly urge my colleagues to support the resolution of disapproval.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, the matter before the House tonight is nothing more than a frontal assault on the rights of millions of workers, millions of workers who get up and go to work every day and work hard on behalf of their employer and on behalf of their family so they can provide for their family, so they can provide a standard of living that they desire for their children.

In the process of working every day, many of these workers suffer injuries to their hands, wrists, to their back and neck because they have repetitive motion in their jobs. Whether they are keypunch operators, whether they work in a warehouse, whether they work as a baggage handler or waitress or waiter in a restaurant, whether they work in a lumber mill or hospital, these workers suffer these injuries, some 600,000 of them every year.

As a result of these injuries, these workers lose wages, they lose hours of work, they lose the ability to provide for their family. Some of them lose the ability to even ever go back to work, they are so badly damaged. But one of the things we know is that most of these injuries are preventable.

The workplace can be adjusted. We see it all of the time, in the supermarket, in the offices, in the hospitals. We have made adjustments to try to protect these workers. But what this legislation does today, it says you cannot have this standard as a matter of national right. So if you do not have protection in that workplace, if you do not have protection in that State that is adequate, you do not get it now, because if we vote to repeal the standard that is now on the books to protect workers, we do not get to come back.

I appreciate what the Secretary of Labor has said. But the law as written says you do not get to come back and write an equivalent standard, a standard that is similar to this, because then someone will take you to court and you will be violating the law. This is about the repeal of the protections of 6 million workers who go to work every day.

I do not know if my colleagues recognize them when the Fed Ex driver comes to their door. I do not know if they recognize these workers as the flight attendants who are wearing braces on their wrists. I do not know if they recognize them at Wal-Mart and Home Depot as they are wearing belts around their back, as they are wearing braces on their wrist because of those activities, but those are the people that make America go. The least they ought to have is protection against those damaging kinds of injuries. The least they ought to have is compensation to take care of them. And they ought to understand that we ought to be trying to improve these workplaces. When we do it, we save employers millions of dollars. When we do it, we keep workers from getting injured.

But this now says that we are not going to have that as a matter of standard. This now says that we are going to take 10 years of medical evidence, 10 years of scientific evidence, 10 years of testimony by workers, men and women all across this country, about the damage that they have suffered and the manner in which it can be prevented. And in 1 hour of debate

tonight, we are going to throw that argument out. We are going to throw these standards out. We are going to take this protection away from America's working men and women. It is not fair to them. It is not fair to their families. It is not fair to the standard of living that they are trying to maintain.

I would urge that we vote against this resolution.

Mr. BOEHNER. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. NORWOOD), the chairman of the OSHA subcommittee.

Mr. NORWOOD. Mr. Speaker, I would like to take this quickly and make it very clear what this is about today. This is legislation that simply says a standard written by the Labor Department is very bad. It does not mean we cannot come back and have decent standards. But when we have one that is bad and wrong and it will hurt the workers and patients, then we should do away with it and begin again.

I do not think this is an argument about science. The National Academy of Science has said, yes, there is such a thing as musculoskeletal pain. We all agree there is such a thing as repetitive motion injury and it can occur in the workplace. But it gets very cloudy at that point. It is not clear what they mean by that. For the record I will tell Members exactly what the National Academy says. They said this is a very complex nature of musculoskeletal disorder phenomenon and it makes it very difficult to regulate in the workplace with any precision. They go on to say that the common musculoskeletal disorder is uniquely caused by work exposures.

I urge us all to do away with this rule.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, I rise in strong opposition to this joint resolution. Here we go again. This is yet another attempt to block the protection of the American worker from repetitive stress injuries. My colleagues, enough is enough. The science exists. The evidence has been gathered. The public comment has been heard. And frankly our experiences in our own offices confirms it. We will fight to keep these rules. We will fight for the American worker. We will fight for what is right.

Each year, more than 650,000 Americans suffer disorders caused by repetitive motion, heavy lifting or awkward postures that occur in the workplace. These disorders account for more than a third of all workplace injuries. Implementation of these rules would save workers and employers more than \$9 billion each year and increase productivity and lower health care costs. We

must try our best to prevent these injuries. These are serious health problems and OSHA should be able to work with employers and employees to prevent and relieve them. It is time to stop these injuries. It is time to live up to our obligation to protect American workers. Vote no on this resolution.

□ 1800

Mr. BOEHNER. Mr. Speaker, I yield 1½ minutes to the gentleman from North Carolina (Mr. BALLENGER).

Mr. BALLENGER. Mr. Speaker, I thank the gentleman from Ohio (Mr. BOEHNER) for yielding me this time.

Mr. Speaker, throughout my tenure on the Committee on Education and the Workforce, I have opposed the costly and overreaching ergonomics standard that was finalized by the Clinton administration. I believe this ill-conceived regulation will have a detrimental effect on American business and its workers.

This ergonomics regulation is very broad and presumes that every muscle strain and pain is caused by work instead of gardening on the weekend or playing football with friends. How can business correct or why should it be responsible for pains that do not occur at the workplace? How could business possibly be expected to control these costs?

Last fall, the gentleman from New York (Mr. OWENS) and I passed the OSHA Needlestick legislation, and it was bipartisan and bicameral. The difference between that legislation that we passed and this one is the fact that we targeted a specific problem and we solved it with a flexible solution that is endorsed by both employers and employees.

This ergonomics standard, on the other hand, targets every motion of every work activity and gives no specific solutions. Not giving employers specific targets and solutions is unfair for both workers and employers. American workers deserve better.

Even OSHA is projecting that this standard will prevent only 50 percent of the problems it seeks to fix. However, that same regulation is estimated to cost the American business at least \$100 billion. Why would one risk bankrupting business with a broad Federal regulation when many industries, such as poultry, have voluntarily implemented programs which have reduced repetitive trauma disorders to almost 50 percent or 46 percent, in 5 years?

I urge my colleagues to vote for this resolution. Let us protect American business and, most importantly, American jobs.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1½ minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I am glad my good friend mentioned business because from a business perspective this motion is narrow minded. A

productive workforce is a healthy and skilled workforce.

When workplace injuries cause workers to take time away, businesses have to train new workers and pay higher worker's compensation premiums. All of these costs will get higher and higher if this motion passes. That escalation will cut into productivity and render American business less competitive in the future.

Beyond that, this motion will stop OSHA from protecting Americans against repetitive stress disorder, carpal tunnel syndrome and the physical injuries that workers sustain every day. Many of these millions are women. They are our mothers, our aunts, our sisters and our daughters.

Each year 400,000 women workers suffer injuries from dangerously designed jobs. Sixty-nine percent of all workers who suffer from carpal tunnel syndrome are women.

This motion represents a betrayal of promises made to the women of America. In 1998, the House Committee on Appropriations majority report stated the committee will refrain from any further restrictions with regard to the development, promulgation or issuance of an ergonomics standard following fiscal year 1998.

The chairman signed and sent a letter reiterating that promise. What we have here are broken promises, broken bodies, broken faith in government. This ought to be defeated.

Mr. BOEHNER. Mr. Speaker, I yield 1½ minutes to the gentleman from Missouri (Mr. BLUNT), the chief deputy whip of the House.

Mr. BLUNT. Mr. Speaker, I thank the gentleman from Ohio (Mr. BOEHNER) for yielding me this time.

Mr. Speaker, I am also glad to see the Congress using for the first time the Congressional Review Act. It has been very comfortable for a long time to not use this act. This act was not on the books until 1996, and to say that we cannot do anything about regulation no matter what the cost, no matter what the cost to competitiveness, no matter how ill-conceived it is, no matter how unbiased it is on true science, we could not do anything, has been a great excuse for the Congress to use for decades now.

Many Members on the floor today voted in 1996 to give the Congress the authority to use the Congressional Review Act. My good friend, the gentleman from Ohio (Mr. KUCINICH), just said that this could not be addressed again.

When we look at the legislative history of the Congressional Review Act, it is clear that this issue can be addressed again. In fact, the Secretary of Labor said today and earlier this week as well that she intended to start immediately looking at a more common sense way to really address these problems.

The legislative history states that the same regulation cannot be sent back essentially with one or two words changed. It talks about not being able to send back similar regulation. When we look carefully, it is clear that we can send back regulations in the same area; in this case, regulations that still allow American businesses to compete, that ensure that we maintain jobs rather than lose jobs; that ensure that this set of regulations can be brought back in a much different and better way.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. MILLENDER-MCDONALD).

Ms. MILLENDER-MCDONALD. Mr. Speaker, I rise in opposition to this joint resolution on behalf of the women of the Nation.

Mr. Speaker, I rise in opposition to the Joint Resolution which repeals a job safety measure under the Congressional Review Act which regulates the Ergonomics Standard. Every year, more than 600,000 U.S. workers suffer painful repetitive strain and back injuries on the job. These "ergonomic" injuries are caused by heavy lifting, repetitive work and poorly designed jobs. Ergonomic injuries are the biggest job safety problem U.S. workers face.

As the Co-Chair of the Congressional Caucus on Women's Issues, I am particularly concerned about the disproportionate effect repealing ergonomics standards will have on women.

Women workers are particularly affected by these injuries. Women make up 46 percent of the overall workforce, but in 1998 in fact accounted for 64 percent of repetitive motion injuries (42,347 out of 65,866 reported cases) and 71 percent of reported carpal tunnel syndrome cases (18,719 out of 26,266 reported cases). There is strong consensus within the scientific community, based on an extensive body of evidence that the consequences of ergonomics-related illnesses are serious and must be addressed.

Janie Jones told a group the carpal tunnel syndrome she developed in both her hands came after working in a poultry plant where she and other workers on the deboning line were expected to process 28 chickens a minute—some 1,680 an hour—with just a 15-minute break in the morning and one in the afternoon plus a 30-minute lunch break. This should be unconscionable here in America.

Ms. Jones reported that even after having surgery to try to relieve the pain, it was still difficult for her to do housework and cooking. She said if OSHA's ergonomics standard had been in effect while she was on the deboning line, her hands wouldn't be riddled with crippling pain today.

Mr. Speaker, it is imperative to protect the ergonomics standard so that workers across this nation, many of whom are women, will have the opportunity to continue working in safe and productive environments.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, this resolution is a disgrace. I do not agree with

every aspect of the rule that OSHA adopted; but if one disagrees with it, the proper way to change it is to have the Department of Labor propose changes, have an open hearing and comment process and then come up with changes to the rule.

Instead, what this action does is it represents a blanket wipe-out of virtually every protection that workers have in this country from repetitive motion injuries. It was done without notice, without hearings, without consultation and without any spirit of compromise whatsoever.

If there is any remaining illusion in this House that the House leadership is interested in bipartisanship, this is exhibit number one in the fact that that is pure fiction.

It is very easy for Members of Congress to vote to do away with these protections for workers because the only repetitive motion injury that Members of Congress are likely to get is to their knees from consistent genuflecting to every special interest in this country. But the real workers of this country, the people who work with the sweat of their brows, the people who lift weight that is too heavy, the people who go through motions that are too injurious over time, the people I meet every day in plants as I go through my district, those are the people who expect us to do our duty and stand up for them because they are too busy to stand up for themselves.

Do what is right. Vote no on this resolution.

Mr. BOEHNER. Mr. Speaker, I yield 1½ minutes to the gentleman from Iowa (Mr. GANSKE), a surgeon in the House.

Mr. GANSKE. Mr. Speaker, I am the only Member of Congress who has operated on patients with repetitive stress injury. I am a member of the American Society for Surgery of the Hand and the American Association of Hand Surgeons. I have taken care of hundreds of patients with these problems.

There are thousands of hand surgeons around the country who share my views on this. I share, we share, OSHA's concerns about the health and safety of workers and are dedicated to help prevent workplace injuries. However, we believe that OSHA's new ergonomics rules are not founded on "a substantial body of evidence."

We agree with the National Research Council that we need a much better understanding of the mechanisms that underlie the relationships between the causal factors and outcomes.

This rule, in our opinion, could actually harm workers. For instance, OSHA describes "observable" physical science that constitute a recordable musculoskeletal disease. These signs include increased grip strength or range of motion. Any hand surgeon in the country knows that those are highly subjective findings. Truly objective findings like

atrophy, reflex changes, electrodiagnostic abnormalities and certain imaging findings are not what precipitate the recordings. The MSD symptoms in the rule do not require those objective verifications in order to be "recordable."

So, in my opinion, this places too much responsibility on the employer to make a correct diagnosis.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Mr. Speaker, let us be clear about what is going on here. In the space of about 10 minutes, people that supported the Republican Party in the last campaign have gotten them to step forward and do away with rules and regulations that took some 10 years to devise and promulgate. We have had hearing after hearing, study after study, thousands of studies, all of which come to the conclusion that MSD injuries do happen in the workplace and are related to the kinds of repetitive practice that go on there and can be resolved with very reasonable solutions, reasonable efforts between the employer and the employee to resolve these situations.

The rule is a very short rule, 9 pages. It is very clear. It is flexible, and if it were not flexible we would hear complaints about how it was too rigid and prescriptive, but it is flexible. The employees and employers can work out solutions to it in the best way possible, and it can happen and should happen for the number of injuries that go on year in and year out.

For a few businesses that have this continued practice and refuse to deal with it, they have cast aside millions of workers and their problems. Let me say every time there is a regulation, we hear from industry how it is going to be the ruination of the industry.

Back in 1995, the Office of Technology Assessment released a study of six OSHA rules. Every single one of them the industry said would be the ruin of business; but in the end, it turned out that they had overestimated the cost from between 50 to 300 times. In fact, in five out of six of those instances, the OSHA estimates were the correct estimates; or, in fact, they were overestimates. So that they were not as ruinous. In fact, they did resolve things to get people a better, healthier way of conducting their business.

This is not a practice that should be condoned. We have a process. This process is being cast aside for purely political reasons in many instances. The fact of the matter is, the process worked. It was started by a Republican Secretary of Labor. The understanding has always been there that these injuries are harmful and can be resolved. It continues on now. As I said, in 10 minutes, they are being cast aside and casting aside millions of people who

rely on this government and this process to find ways to make it safer for them to be at work. In the end, it is better for business.

Mr. NORWOOD. Mr. Speaker, I yield 1 minute to the gentleman from Oklahoma (Mr. ISTOOK).

Mr. ISTOOK. Mr. Speaker, I support this measure wholeheartedly. If we do not, what we have before us with the proposed regulations, those are the Titanic. It is headed straight for the iceberg. But before businesses have to abandon ship, before workers have to hit the lifeboats, we are stopping the engines. We are saying we are going to bring this thing to a safe halt and steer a safer course.

The Secretary of Labor, the former Secretary of Labor, I had the chance to visit with last year about these provisions that they are proposing. They were going to hire 300 brand-new people, train them for 30 days, hundreds and thousands of pages of these red-tape strangling, minute jargon regulations, and put them in charge of micro-managing businesses all across the country; millions of workers under the command of these brand-new government bureaucrats. That is a formula for disaster. That is a disaster that is not going to happen this time. We are going to stop this ship before it hits the iceberg and we are going to bring it home safely and it is going to be safer for the workers on board American businesses.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentleman from Hawaii (Mrs. MINK).

Mrs. MINK of Hawaii. Mr. Speaker, this legislation that we are being asked to vote on today is a piece of legislation which will actually be injurious to thousands of women all across this country. The women are the ones who hold down the lowest paying jobs in this country. They are the most that are on minimum wage, and they are the ones who are affected by the type of injuries that we are attempting to find some sort of protective safety regulations.

All of us know when we deal with our own health, we believe that preventive measures are the things that are going to save our lives. There is no one here that would vote against preventive health measures, and yet today the majority of this body is asking the legislature here to vote against preventive worker safety legislation that will have the effect of saving tens of thousands of people from having to be laid off their jobs; lost productivity for that particular business. It just does not make sense.

All this legislation is that the OSHA people are trying to advocate for is worker safety. Who can be against worker safety?

There are thousands of people out there who have to go home, injured from their jobs, who cannot find a better way to save themselves because

their employers do not put into effect those measures that can save them from this type of injury. So it just is mind-boggling to me that the majority of this body is asking the Congress to eradicate the safety measures that have been put into effect after 10 years of careful consideration.

This is not just an idle postponement or a moratorium. This is the finale. If we vote on this measure today, there will be no possibility for the Department or for OSHA or for anybody to come forward with regulations that will provide worker safety. In the name of preventive measures for the women of this country, I ask for a no vote.

□ 1815

Mr. NORWOOD. Mr. Speaker, it is a pleasure to yield 1 minute to the gentleman from Texas (Mr. CULBERSON), a fine member of this subcommittee.

Mr. CULBERSON. Mr. Speaker, I thank the gentleman from Georgia for yielding me this time.

I rise today in very strong support of the repeal of this rule and to point out to my fellow Members and Americans listening here tonight that the Employment Policy Foundation estimates that compliance costs alone with this rule will be about \$91 billion. The rule itself and its explanatory information consume about 600 pages of fine print. Every small business owner out there who is listening ought to know what it looks like, because this is it. It will affect 102 million employees by OSHA's own estimates, and about 6.1 million businesses. It applies to any job that requires occasional bending, reaching, pulling, pushing, gripping; 18 million jobs, again, by OSHA's own estimates.

This flawed ergonomic standard will interfere with State worker compensation laws. The one we have in Texas works very well. Under this ergonomic standard, however, which would interfere and preempt that State law, if a worker is put on light-duty work, they will receive 100 percent of their pay. If they are unable to work, they will receive 90 percent of their pay and 100 percent of the benefits. I urge the Members to adopt the repeal of this rule.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentleman from California (Ms. PELOSI), who has been fighting this long and hard for a number of years as a member of the Committee on Appropriations.

Ms. PELOSI. I thank the gentleman for yielding me this time.

Mr. Speaker, the 20th century began with Ida Tarbell and Upton Sinclair pointing out the dangers in the workplace to American workers. Here we are at the beginning of a new century much more enlightened, yet still debating whether or not we should protect workers.

Let us not ignore this historical context. As we look with great embarrass-

ment at the exploitation of workers at the beginning of this century, we must have a different start to this one. The new information technology has presented some challenges with many more people at keyboards, but science has given us answers.

Today, the Republican majority is taking extreme measures to undermine the voluminous scientific evidence supporting a workplace safety standard. In prior Republican administrations, Labor Secretaries supported an ergonomic standard. Secretary Dole stated, "By reducing repetitive motion injuries, we will increase both the safety and productivity of America's workforce. I have no higher priority than accomplishing just that." And Secretary Lynn Martin also reiterated her commitment in 1992 to an OSHA rule. Secretary Chao yesterday indicated her intention to pursue a "comprehensive approach to ergonomics," her words. She said she would be open to working on a new rule that would "provide employers with achievable measures that protect their employees before injuries occur."

Mr. Speaker, a vote on this repeal today would foreclose that option to the Secretary. She would not be able to do that. Only a vote in this body to sustain that would allow us to have those negotiations with the Secretary.

The scientific evidence supporting a standard is extensive. The National Academy of Science, responding to conservatives and business groups, issued a report saying that the weight of evidence justifies the introduction of appropriate and selective interventions to reduce the risk of musculoskeletal disorders of low back and upper extremities. No wonder the Republicans did not want Members to have a briefing on that report.

This disproportionately affects women. I urge my colleagues to vote "no."

Mr. NORWOOD. Mr. Speaker, just to set the record straight, the National Academy of Sciences does not support this standard in any way at all.

Mr. Speaker, I yield 1 minute to the gentlewoman from Illinois (Mrs. BIGGERT), the vice chairman of this subcommittee.

Mrs. BIGGERT. Mr. Speaker, I rise in strong support of S.J. Res. 6. I have absolutely no quarrel with the idea of OSHA or Congress writing or implementing an ergonomics law or regulation. What I do have a problem with is this particular ergonomics regulation. It is exceedingly costly, overly broad, and it wrongly presumes that every muscle strain or ache a worker suffers is caused by the workplace. For instance, it does not take into account personal attributes that may cause body pains such as obesity or age, nor does it anticipate the possibility that employees may actually hurt themselves outside of the workplace while

skiing, playing basketball, or gardening.

Here is what the Chicago Tribune had to say about the new rule: "In short, they amount to a simplistic and expensive meat-ax solution for a complex scientific puzzle that researchers do not fully understand."

Workers do have legitimate claims to workplace-induced repetitious motion injuries, but not with this regulation.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, we should oppose this resolution. When a woman stands at a supermarket checkout counter and when many women who stand with her get hurt, when there is a pattern of people getting hurt because the cash register is at waist level instead of higher up, and the evidence shows that one could spend a few hundred dollars per cash register and lift them up to chest level and people will not get hurt; and the evidence shows that by spending a few hundred dollars per cash register, we could avoid tens of thousands of dollars of health care and workers' comp claims, we think the law ought to say that the employer should have to do it. That is what this is about.

This is a compilation of 10 years of research; it is an understanding that one-third of the workers' comp expenditures by insurers in this country pay for ergonomics injuries, and it is a cry for simple justice and common sense.

Do not be fooled by those who say they want a better ergonomics rule, because if this resolution passes, there will be no ergonomics rule. This sends ergonomics to the death penalty, and it is wrong.

Mr. Speaker, there are 6 million injured Americans who cannot speak for themselves tonight, but we, I say to my colleagues, can. The way we should speak for them is to rise up and vote "no." Defeat this resolution in the sense of fairness and justice.

Mr. NORWOOD. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. KELLER), a new and valued member of our subcommittee.

Mr. KELLER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong support of the joint resolution to disapprove the ergonomics rule. I would like to tell my colleagues why.

This will cost businesses, large and small, approximately \$90 billion a year, a \$90 billion-a-year unfunded mandate on private businesses. Someone mentioned grocery stores a few minutes ago. It is also true that if a bagger in a grocery store lifts a turkey up and we are in the Thanksgiving season, that is 16 pounds, he is now violating Federal law in the minds of some OSHA bureaucrats because they think you

should not be able to lift anything over 15 pounds. We need a little common sense here.

Now, should there be incentives for workplace safety? Absolutely, there should. We have that right now under workers' compensation insurance premiums. One small employer in my district who runs a gas station found his workers' compensation insurance went up \$3,000 this year. Why? Because there was a serious workplace accident the year before. That is a pretty strong incentive to maintain a strong and safe workplace.

Mr. Speaker, we do not need to nationalize our workers' compensation laws. I ask my colleagues to vote "yes" and disapprove these ergonomics regulations.

Mr. GEORGE MILLER of California. I yield 1½ minutes to the gentleman from Michigan (Mr. BONIOR), the minority whip.

Mr. BONIOR. Mr. Speaker, the workplace safety standards before us, as we have heard, have been in the making for 10 years and, once implemented, would help prevent no fewer than one-third of all serious job-related injuries. That can help save our economy more than \$50 billion a year.

Now, the people back home in Michigan would say, well, that is a pretty good bargain. And do my colleagues know what? They are absolutely right. Over the course of 1 year alone, more than 21,000 workers in Michigan suffered from repetitive motion injuries severe enough to keep them away from work, and the cost to Michigan's economy in lost wages and productivity, about \$2 billion a year. That is why there is only one issue in this debate. It is not whether we need these safety standards. It is who on earth would ever want to keep us from having them?

Well, we know what that answer is. It is the same people, the same special interests who have opposed every other single worker safety measure to come before the United States Congress.

Well, today we have an obligation to talk back to that special interest. Our message today is that too many lives have been lost, too many bodies have been broken, too many workers have been injured, too many lives have been ruined, and too many tears have been shed.

Mr. Speaker, today our message is that American workers have a right to a healthy and a safe workplace and, by God, vote "no" on this resolution. Those who do not should and will be held accountable.

Mr. NORWOOD. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BONILLA), my friend.

Mr. BONILLA. Mr. Speaker, I rise in strong support of this resolution. Workplace injuries over the last decade in this country are down. Workplace injuries are down in large part because

ergonomics rules are already in place at most of America's workplaces; and employers, believe it or not, do care about keeping workers safe and productive on the job.

This is the copy of the new rule we are talking about showing up on the doorsteps of bakeries and of auto parts stores and small restaurants and grocery stores and dance studios and farms and ranches. Every small business employer in America would get this big fat 600-page regulation to try to have them not only implement a policy, but to change a policy that is already working, that is causing workplace injuries to go down.

Union membership has not asked for this. Small business in America has not asked for this. At town meetings that we have across the country, there is no request for this to show up on the doorstep of America's small businesses. This is simply a power grab by certain special-interest leaders in this country; and we will not name them, but we know who they are. They want this so they can have a bigger grip on America's small business employers. That is what it is all about.

This, in itself, delivered to the small businesses in this country is enough to cause a workplace injury to the post office delivery people who will be sending this to small businesses across the country. And, by the way, the post office does not want it either. Nobody wants it. Why are we doing this? Thank goodness we have this opportunity to stop this and to watch workplace injuries continue to go down, because of ergonomics policies that are already in place in America's workplaces.

Mr. Speaker, today we have a chance to show the American people whose side we are on. A vote for this resolution is a vote for small business, jobs and sound science. A vote against it is for one-size-fits all regulations and government-knows-best bureaucrats.

There are many of us who came to this body to fight for the driving engine of America's economy, small business. Small business produces 90 percent of all new jobs in America. These are the people who work hard, people who are fighting for raises and better benefits, people who are creating higher-paying jobs in their community and expanding opportunity for people across the country.

The Clinton OSHA ergonomics regulation has a mammoth price tag. And America's workers are going to foot the bill. OSHA itself is willing to concede a \$4.5 billion cost to the economy. The food distributing industry predicts its initial cost would be upwards of 420 billion. Furthermore, their recurring cost could be 46 billion annually. And that is just for that industry alone. What does this really mean? It means fewer jobs and fewer opportunities for American workers.

We all support safe workplaces. That is not what this debate is about. Let us review the statistics put out by the Clinton Labor Department. Workplace injuries are down consistently over the last decade. In fact, the injuries we are talking about today, repetitive stress in-

juries, are down 24 percent over the past three years. Grocery stores, bakeries, bottling companies, florists, computer manufacturers—all of those job creating businesses that are creating out tremendous economic growth have voluntarily dealt with this issue and it is working.

Some have argued today that this resolution kills ergonomics forever. That is simply not true. Yesterday, Secretary of Labor Elaine Chao stated that she intends to address the issue of ergonomics, if given the chance. Let's give her that chance to get the job done right.

This rule is unprecedented in its breadth and unprecedented in its complexity. OSHA doesn't even understand it. The rule is already in effect and OSHA has yet to provide compliance guidelines to businesses. Unfortunately, they probably have not because they cannot. That

I call on my colleagues to look at whose side they are on. There is no gray. I urge them to stand up for the people out there in the heartland who are working hard and want to keep doing so. I urge a "yes" vote on the resolution.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, if the gentleman would have yielded, I would have pointed out he is not holding up the regulations at all, he is holding up the comments. The regulations is 9-pages long. It is not 600 pages, and the gentleman completely misrepresented what, in fact, he was telling the American public.

Mr. Speaker, I yield 1½ minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, before I came to Congress, I was a human resources professional in the electronics manufacturing industry, and I know from experience how important workplace safety is. Over 20 years ago, my company began seeing repetitive stress injuries because employees were using the same motions repeatedly to put parts in printed circuit boards. I have to say that the majority of those workers were women.

So in response to what was going on out on our manufacturing floor, and those of my colleagues who do not think of OSHA as a friend might think this is weird, but as the human resources manager of this company, I called OSHA for help. We worked. They came and worked with us as partners and came up with a solution that reduced the injuries for our workers and saved a lot of money for our company.

We knew that if we wanted to be successful, we wanted to protect our workers from the injuries that they were experiencing. If my colleagues want to know did this company become successful? Yes, indeed. This company became a Fortune 300 company.

Mr. Speaker, workplace safety standards protect workers; they save business money. It is a win-win all the way around. It must not be repealed. Vote against this resolution, and vote for the protection of worker safety.

□ 1830

Mr. NORWOOD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just point out that the regulation is 9 pages, and it is of great interest to me that OSHA took 591 pages to explain to us why this was a good rule.

Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. MANZULLO), my friend.

Mr. MANZULLO. Mr. Speaker, these OSHA regulations are very interesting. First of all, they do not apply to any Federal employees, and I would like to point out that one of the charts using the explanations here is that it is dangerous if you move your wrist more than 30 degrees 2 hours a day.

This is an official chart here that points to people that move their wrists. Mr. Speaker, there are 281,000 restaurants in the United States. And I was raised in a restaurant business, and my brother, Frank, he still continues the family business. And this is how you wash dishes. You go like this. Sometimes it is 2 hours a day, sometimes 4 hours a day. It depends upon the extent of the business. If business is good, you have more dishes to wash.

Here is the problem: If somebody washing dishes has a problem with their hand and they go to the small employer, such as my brother, Frankie, who has 13 tables in his restaurant, this is what Frankie has to do, he has to adopt a program that contains the following elements, hazardous information and reporting, management leadership and employee participation, job hazard analysis and control, training, MSD management and program evaluation.

The standard provides the employer with several options for evaluating and controlling risk factors for jobs covered by the ergonomics program.

This is washing dishes. How else can you wash dishes where you cannot move your hands? That is the absurdity of these ergonomic 9 pages of regulations and hundreds of pages of attempted clarifications of them.

To all the restaurant owners, to all the small mom-and-pops that are trying to eke out a living and to my brother, Frankie, with 13 tables and 13 stools at his bar and a handful of employees, he is going to have to put a sign that says dish washing is hazardous to your health. How else can you wash dishes?

Mr. GEORGE MILLER of California. Mr. Speaker, may I inquire of the Chair how much time is remaining?

The SPEAKER pro tempore (Mr. HANSEN). The gentleman from California (Mr. GEORGE MILLER) has 11½ minutes remaining and the gentleman from Georgia (Mr. NORWOOD) has 13 minutes and 15 seconds remaining.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. GEPHARDT), the minority leader.

Mr. GEPHARDT. Mr. Speaker, this is a sorry day in the House of Representatives, and what I am afraid is going to be a sorry week. Ten years of studies and work and comment are being swept aside with 1 hour of debate in our House of Representatives.

This is not right, and it is not the right way to do this. It is not right for American workers who will be seriously affected and degraded by this decision that we are making tonight.

Mr. Speaker, I cannot understand why we could not spend the last 3 hours that we have been in this building at least on this floor talking about what went on over the last 10 years. We could not find it within ourselves in this House of Representatives to spend the last 3 hours when we were in recess to be on this floor at least discussing this matter.

We know there is a disagreement about this, that is legitimate, but to not allow the Members of this House to be out here, when the law that calls for this procedure says that we are going to have 10 hours of debate, when we did not have another thing to do on this floor, to not allow this debate to go on is reprehensible. It sure is not bipartisan.

This is an issue that affects real people, people that work on computers, poultry workers, factory workers, and what we are saying is that the science says that these regulations are the right thing to do. We believe with all our hearts that OSHA and these kinds of regulations have not only helped the safety of our workers, but has saved companies money by preventing these injuries, and employers who have used OSHA regulations like these to their benefit have had a better bottom line than companies that simply blindly fight these things.

This is a mistake. It is a mistake for people. It is a mistake for workers. I simply ask our friends on the other side who are running this procedure, please, the next time before my colleagues do something like this, they stop and think about what they are doing to the process of this House and, most importantly, what my colleagues are doing to the hard-working American people who are out there everyday giving it everything they have to make a living for their families and would like to be in a safe working environment.

Vote against this bill. It is an abomination.

Mr. NORWOOD. Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky (Mrs. NORTHUP).

Mrs. NORTHUP. Mr. Speaker, I am angry, too. I am angry that we had a good idea in 1990 and 1992. Libby Dole and other Republicans encouraged an ergonomics standard, but what we have had over the last 8 years is an absolute tone deaf Labor cabinet that was going to pass a regulation without regard to

how we best remedy the challenges that ergonomic injuries cause us.

Mr. Speaker, give us good direction so that we can have both good jobs and also best effect in any injuries that occur in the workplace. It is hilarious to think that businesses are going to save money when we have runaway costs and you spend and you spend and you spend without any understanding of what you might be able to achieve and what would be cost effective.

What happens when we do that? What happens right now in this country, where we fight everyday to keep our good jobs right here in this country, to keep them from moving overseas, the fact of the matter is, is that OSHA increases the costs of regulations. As OSHA increases costs without always knowing what the objective and the benefit will be, we make ourselves less able to be internationally competitive as we produce goods in this country.

Mr. Speaker, what we have to do is be proud of the fact that the American workplace, which is the thing that brings us our prosperity, the thing that has built us a middle class that is able to buy homes and cars and go to work and provide for their children, that they depend on these jobs, and what they ask of us is for balance, to have regulations and government programs that make it possible to keep good jobs here and also make sure that we have healthy workers.

The law of unintended consequences is going to go into effect if this rule went into effect. It would drive our best jobs overseas.

Mr. Speaker, please, I ask my colleagues, let us have a real rule that really accomplishes what we want.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Maine (Mr. BALDACCI).

Mr. BALDACCI. Mr. Speaker, I would like to thank the gentleman from California (Mr. GEORGE MILLER) for yielding the time to me.

Mr. Speaker, I rise today in opposition and say this should not be done in this way. As a restaurant owner and an owner of a small business in Maine, this is the wrong thing to do at the wrong time, and it is not thoughtful.

Mr. Speaker, I rise today to voice my opposition to the Joint Resolution of Disapproval of OSHA's Ergonomics Standard.

Mr. Speaker, I am a small business owner. I understand the concerns of small business owners in my home state of Maine and throughout the country regarding the costs of implementing these new rules. Nevertheless, we must be proactive. Ergonomics is a serious matter and the new ergonomics standard will save businesses billions of dollars every year by preventing lost work days and workers' compensation claims. In 1998, more than 12,500 disabling injuries were reported to the Workers Compensation Board in Maine alone.

True, the start up costs involved with applying the new standard are significant. But the

money we will save far outweighs the money we will spend. In a requested report to Congress, the National Academy of Sciences found that repetitive stress injuries in the workplace cost \$50 billion a year in lost wages, productivity and compensation costs. It also concluded that injuries could be reduced by using new equipment and by varying workplace tasks. OSHA's new rule requires compliance with both of these recommendations. OSHA analysis shows that the new ergonomics standard will prevent 4.6 million injuries over the next 10 years. It will also save employers and workers \$9 billion every year. Surely, we can agree that these numbers are worth fighting for.

Mr. Speaker, I must also voice my disappointment in the decision to employ the Congressional Review Act to address this legislation. It was my sincere hope that the CRA would be employed only to address rules that a vast majority of members agreed simply got it wrong. This is certainly not the case here. Many of us agree that the new rules could be refined. But that is no reason to throw the baby out with the bath water, utilizing a process that will effectively preclude further action in this area. This is too important an issue to be taken off the table in a cavalier and partisan manner. I urge my colleagues to vote against the Joint Resolution of Disapproval of OSHA's Ergonomics Standard.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, I thank the gentleman from California (Mr. GEORGE MILLER) for yielding the time to me.

Mr. Speaker, I strongly oppose the matter that is before us today.

Mr. Speaker, I rise today to express my outrage over the Republican proposal to rollback important safety protections for American workers. For the first time in the history of the House, we are repealing critical protections for over 100 million American workers.

The Congress has a responsibility to protect the safety and health of hundreds of thousands of workers—not the profits of big contributors.

Today, I released a report with Representative GEORGE MILLER on ergonomic injuries in California. This report makes clear that the repeal of the ergonomic rule will have a very real impact on California workers and the state's economy.

More than one in four workplace injuries in California are repetitive stress injuries like carpal tunnel syndrome. In 1998, more than 52,000 California workers suffered ergonomic injuries so severe they were forced to miss at least one day of work. Many of these injuries cause workers to miss significant time away from work. More than 30,000 of the injuries cause workers to miss more than one week of work.

The economic cost to the state is enormous—\$4.5 billion a year.

The real numbers may be much higher. Many workers fail to report their

injuries out of fear they'll be fired or branded troublemakers, and other workers only realize the extent of their injuries when they can no longer work.

Today's LA Times tells the story of Gloria Palomino, who worked in a chicken processing plant for over twenty years. For most of her career, she shot an airgun into chickens on a slaughter line—squeezing the triggers 30 to 40 times a minute. As a result, her fingers are constantly swollen and sore and her injuries are so severe she can no longer work. She says, "How I battle in the morning to open my hands. Tell me, who will hire me with hands like this?"

The ergonomics rule came too late to help Gloria Palomino, but there will be many, many more like her if we repeal the rule today. I urge my colleagues to oppose this effort—which protects the profits of contributors at the expense of the health of America's workers.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1½ minutes to the gentleman from New York (Mr. OWENS), a member of the Subcommittee on Workforce Protections.

Mr. OWENS. Mr. Speaker, as the ranking Democrat on the Subcommittee on Workforce Protections, the last 6 years I have lived with the hearings, the dialogue, the debates on this issue, and I do not want to repeat all of those technical considerations.

I do want to submit for the RECORD a chronology of OSHA ergonomics standards preparations over the last 10 years. I have many extra copies if the majority wants them.

We also have a list of the questions that we asked the National Academy of Sciences and the Institute of Medicine to resolve. We have the questions that we posed to them, and we also have their answers.

Earlier today the gentleman from Georgia (Mr. NORWOOD) said that there was some disagreement with the notion that ergonomics was a legitimate cause of problems in the workplace, and he quoted 1 of the 19. There were 19 experts on the panel, and one dissented. When you have a panel and one dissent among the people who are on the Academy of Sciences and the Institute of Medicine, then you have an authoritative statement.

We ought to address the political problem here. Here is the real problem. Reinforced by an army of business lobbyists, the Republican majority has launched a blitzkrieg to obliterate the recently issued ergonomics standards by using the Congressional Review Act. That act was passed under the Newt Gingrich doctrine of politics as war without blood.

This Republican offensive is more than one invasion of one theater of the war. This is just the beginning. By ruthlessly destroying the ergonomics standards at the beginning of this 107th session of Congress, the Republican

majority is attempting to send a message of intimidation to all the working families of America.

We will not be intimidated. We will strive to work for the families of America.

Mr. Speaker, reinforced by an army of business lobbyists, the Republican majority has launched a blitzkrieg to obliterate the recently issued OSHA Ergonomic Standard by using the Congressional Review Act passed under the Newt Gingrich doctrine that "politics is war without blood." This Republican offensive is more than one invasion of one theater of the war. The operation against ergonomics is also conceived as a master stroke of symbolic and psychological warfare.

By ruthlessly destroying the Ergonomic Standard at the beginning of the 107th Session of Congress, the Republican majority is attempting to send a message of intimidation, and to show that it will utilize its dominance of the political process in Washington to annihilate its perceived most formidable enemy—the organized workers in labor unions.

Millions of victims and casualties who are not union members will suffer greatly as a result of this barbaric attack. The majority of the working families in America have at least one member who could directly benefit from the preventive measures required by the new Ergonomic Standard. They are the civilian casualties of this massive Republican offensive.

After an exhaustive two-year study at a cost of \$1 million conducted by 19 experts in the field of causation, diagnosis, and prevention of musculoskeletal disorders under the direction of the Academy of Sciences, they found that "there is a direct relationship between the workplace and ergonomic injuries can be significantly reduced thorough workplace interventions."

Mr. Speaker, earlier today, during the debate on the rule Mr. NORWOOD quoted from the National Academy of Sciences and the Institute of Medicine's report. I would like to make very clear the fact that Mr. NORWOOD was quoting from the only dissenting view on the panel of 19 experts.

Here are the key findings of the study by the Academy of Sciences:

The Problem. "Musculoskeletal disorders of the low back and upper extremities are an important national health problem, resulting in approximately 1 million people losing time from work each year. These disorders impose a substantial economic burden in compensation costs, lost wages, and productivity. Conservative cost estimates vary, but a reasonable figure is about \$50 billion annually."

The Cause. "The weight of the evidence justifies the identification of certain work-related risk factors for the occurrence of musculoskeletal disorders of the low back and upper extremities * * * the panel concludes that there is a clear relationship between back disorders and physical load; that is, manual material handling, load moment, frequent bending and twisting, heavy physical work, and whole-body vibration. For disorders of the upper extremities, repetition, force and vibration are particularly important work-related factors."

The Answer. "The consequences of musculoskeletal disorders to individuals and society of the evidence that these disorders are to

some degree preventable justify a broad, coherent effort to encourage the institution or extension of ergonomic and other preventive strategies."

The Republican Leadership—once desperate to have confirmation of a sound scientific support for the ergonomic rule—is ignoring the very report it commissioned for a million dollars and instead plans to gut a rule ten years in the making. This action shows their contempt for millions of workers who want to work hard and stay healthy. And this action shows contempt for the findings of the nation's leading ergonomic scientists who have thoroughly documented the tragedy of ergonomic injury and illness. I am submitting for the RECORD the seven questions Congress asked the National Academy of Sciences and the answers arrived at by the experts on the panel.

The strategy of the Republican war machine first seeks to crush the will of the opposition with its speed and overwhelming support from contributors. After the defeat of ergonomics, overtime under the Fair Labor Standards Act and the Davis-Bacon Prevailing Wage Law are the next targets with many other islands of labor law to be attacked and subdued on a great march toward the ultimate objective—"paycheck protection." The concepts of minimum wages and cash payment for overtime may be eliminated forever; or at least for the duration of this administration there will be a "final solution" for these longstanding objects of Republican contempt.

The term "barbaric" is most appropriate for the description of this partisan onslaught. All logic, reason and science has been bulldozed off to the ditches. Primitive, brute political force has now overwhelmed ten years of scientific research, public testimony, empirical evidence and long debates, dialogues and policy deliberations. The attached chronology which ranges from August, 1990 to January, 2001 presents a record of the most patient Democratic process possible; however, suddenly the troops are massed on the border and this time-honored process has been declared "non-negotiable."

Barbarians often win battles; however, the working families of America are not without their own means of counterattack. We must begin today with a new campaign in a more direct language: an Ergonomic Standard means salvation from paralyzing injuries. It means preventing total disability of the muscles and joints needed to earn a living. Working families are the troops who must be made to understand clearly what is at stake today and in the weeks and months ahead as the Republicans march on to eradicate labor laws. Working families must also understand that in a war as vicious as this one that has been declared by the Republicans, there is no substitute for victory. Working families must mobilize to achieve unconditional surrender by taking control of the Congress in 2002; and by regaining the White House in 2004.

Yesterday was Pearl Harbor for working families. We have nothing to fear but sluggishness, wimpishness and betrayal by the Benedict Arnolds among us. We have the votes and we believe fervently in the Democratic process. Reason and justice are on our side and we shall all experience our political VE Day. We shall overcome.

MUSCULOSKELETAL DISORDERS AND THE WORKPLACE—A STUDY BY THE NATIONAL ACADEMY OF SCIENCES AND THE INSTITUTE OF MEDICINE, JANUARY 2001

APPENDIX A

ANSWERS TO QUESTIONS POSED BY CONGRESS

The questions below provided the impetus for the study. The charge to the panel, prepared by the NRC and the IOM was to conduct a comprehensive review of the science base and to address the issues outlined in the questions. The panel's responses to the questions follow.

1. What are the conditions affecting humans that are considered to be work-related musculoskeletal disorders?

The disorders of particular interest to the panel, in light of its charge, focus on the low back and upper extremities. With regard to the upper extremities, these include rotator cuff injuries (lateral and medial epicondylitis, carpal tunnel syndrome, tendinitis, tenosynovitis of the hand and wrist (including DeQuervains' stenosing tenosynovitis, trigger finger, and others) and a variety of nonspecific wrist complaints, syndromes, and regional discomforts lacking clinical specificity. With regard to the low back, there are many disabling syndromes that occur in the absence of defined radiographic abnormalities or commonly occur in the presence of unrelated radiographic abnormalities. Thus, the most common syndrome is nonspecific backache. Other disorders of interest include back pain and sciatica due to displacement and degeneration of lumbar intervertebral discs with radiculopathy, spondylolysis, and spondylolisthesis, and spinal stenosis (ICD 9 categories 353-357, 722-724, and 726-729).

2. What is the status of medical science with respect to the diagnosis and classification of such conditions?

Diagnostic criteria for some of the musculoskeletal disorders considered to be work-related and considered in this report are clear-cut, especially those that can be supported by objective ancillary diagnostic tests, such as carpal tunnel syndrome. Others, such as work-related low back pain, are in some instances supported by objective change, which must be considered in concert with the history and physical findings. In the case of radicular syndromes associated with lumbar intervertebral disc herniation, for example, clinical and X-ray findings tend to support each other. In other instances, in the absence of objective support for a specific clinical entity, diagnostic certainty varies but may nevertheless be substantial. The clinical picture of low back strain, for example, while varying to some degree, is reasonably characteristic.

Epidemiologic definitions for musculoskeletal disorders, as for infectious and other reportable diseases, are based on simple, unambiguous criteria. While these are suitable for data collection and analysis of disease occurrence and patterns, they are not appropriate for clinical decisions, which must also take into account personal, patient-specific information, which is not routinely available in epidemiologic databases.

3. What is the state of scientific knowledge, characterized by the degree of certainty or lack thereof, with regard to occupational and nonoccupational activities causing such conditions?

The panel has considered the contributions of occupational and nonoccupational activities to the development of musculoskeletal disorders via independent literature reviews based in observational epidemiology, biomechanics, and basic science. As noted in the

chapter on epidemiology, when studies meeting stringent quality criteria are used, there are significant data to show that both low back and upper extremity musculoskeletal disorders can be attributed to workplace exposures. Across the epidemiologic studies, the review has shown both consistency and strength of association. Concerns about whether the associations might be spurious have been considered and reviewed. Biological plausibility for the work-relatedness of these disorders has been demonstrated in biomechanical and basic science studies, and further evidence to build causal inferences has been demonstrated in intervention studies that show reduction in occurrence of musculoskeletal disorders following implementation of interventions. The findings suggest strongly that there is an occupational component to musculoskeletal disorders. Each set of studies has inherent strengths and limitations that affect confidence in the conclusions; as discussed in Chapter 3 (methodology), when the pattern of evidence is considered across the various types of studies, complementary strengths are demonstrated. These findings were considered collectively through integration of the information across the relevant bodies of scientific evidence. Based on this approach, the panel concludes, with a high degree of confidence, that there is a strong relationship between certain work tasks and the risk of musculoskeletal disorders.

4. What is the relative contribution of any causal factors identified in the literature to the development of such conditions in (a) the general population, (b) specific industries, and (c) specific occupational groups?

A. Individual Risk Factors

Because 80 percent of the American adult population works, it is difficult to define a "general population" that is different from the working population as a whole. The known risk factors for musculoskeletal disorders include the following:

Age—Advancing age is associated with more spinal complaints, hand pain, and other upper extremity pain, e.g., shoulder pain. Beyond the age of 60, these complaints increase more rapidly in women than men. The explanation for spinal pain is probably the greater frequency of osteoporosis in women than in men. The explanation for hand pain is probably the greater prevalence of osteoarthritis affecting women. However, other specific musculoskeletal syndromes do not show this trend. For example, the mean age for symptomatic presentation of lumbar disc herniation is 42 years; thereafter, there is a fairly rapid decline in symptoms of that disorder.

Gender—As noted above, there are gender differences in some musculoskeletal disorders, most particularly spinal pain due to osteoporosis, which is more commonly found in women than in men, and hand pain due to osteoarthritis, for which there *** determinant with increased incidence in daughters of affected mothers.

Healthy lifestyles—There is a general belief that the physically fit are at lower risk for musculoskeletal disorders; there are few studies, however, that have shown a scientific basis for that assertion. There is evidence that reduced aerobic capacity is associated with some musculoskeletal disorders, specifically low back pain and, possibly, lumbar disc herniations are more common in cigarette smokers. Obesity, defined as the top fifth quintile of weight, is also associated with a greater risk of back pain. There currently is little evidence that reduction of smoking or weight reduction reduces the risk.

Other exposures—Whole-body vibration from motor vehicles has been associated with an increase in risk for low back pain and lumbar disc herniation. There is also evidence that suboptimal body posture in the seated position can increase back pain. Some evidence suggests that altering vibrational exposure through seating and improved seating designs to optimize body posture (i.e., reduce intradiscal pressure) can be beneficial.

Other diseases—There is a variety of specific diseases found in the population that predispose to certain musculoskeletal disorders. Among the more common are diabetes and hypothyroidism, both associated with carpal tunnel syndrome.

B. Work-Related Risk Factors

Chapter 4 of this report explores the enormous body of peer-reviewed data on epidemiologic studies relevant to this question. Detailed reviews were conducted of those studies judged to be of the highest quality based on the panel's screening criteria (presented in the introduction and in Chapter 4). The vast majority of these studies have been performed on populations of workers in particular industries in which workers exposed to various biomechanical factors were compared with those not exposed for evidence of symptoms, signs, laboratory abnormalities, or clinical diagnoses of musculoskeletal disorders. A small number of studies have been performed in sample groups in the general population, comparing individuals who report various exposures with those who do not.

The principal findings with regard to the roles of work and physical risk factors are:

Lifting, bending and twisting and whole-body vibration have been consistently associated with excess risk for low back disorders, with relative risks of 1.2 to 9.0 compared with workers in the same industries without these factors.

Awkward static postures and frequent repetitive movements have been less consistently associated with excess risk. For disorders of the upper extremity, vibration, force, and repetition have been most strongly and consistently associated with relative risks ranging from 2.3 to 84.5.

The principal findings with regard to the roles of work and psychosocial risk factors are:

High job demand, low job satisfaction, monotony, low social support, and high perceived stress are important predictors of low back musculoskeletal disorders.

High job demand and low decision latitude are the most consistent of these factors associated with increased risk for musculoskeletal disorders of the upper extremities.

In addition, in well-studied workforces, there is evidence that individual psychological factors may also predispose to risk, including anxiety and depression, psychological distress, and certain coping styles. Relative risks for these factors have been generally less than 2.0.

5. What is the incidence of such conditions in (a) the general population, (b) specific industries, and (c) specific occupational groups?

There are no comprehensive national data sources capturing medically defined musculoskeletal disorders, and data available regarding them are based on individual self-reports in surveys. Explicitly, these reports include work as well as nonwork-related musculoskeletal disorders without distinction; therefore, rates derived from these general population sources cannot be considered in any sense equivalent to rates for background, reference, or unexposed groups, nor

conversely, as rates for musculoskeletal disorders associated with any specific work or activity. There are *no* comprehensive data available on occupationally unexposed groups and, given the proportion of adults now in the active U.S. workforce, any such nonemployed group would be unrepresentative of the general adult population. According to the 1997 report from the National Arthritis Date Workgroup (Lawrence, 1998), a working group of the National Institute of Arthritis and Musculoskeletal and Skin Diseases, 37.9 million Americans, or 15 percent of the entire U.S. population, suffered from one or more chronic musculoskeletal disorders in 1990 (these data cover all musculoskeletal disorders). Moreover, given the increase in disease rates and the projected demographic shifts, they estimate a rate of 18.4 percent or 59.4 million by the year 2020. In summary, data from the general population of workers and nonworkers together suggest that the musculoskeletal disorders problem is a major source of short- and long-term disability, with economic losses in the range of 1 percent of gross domestic product. A substantial portion of these are disorders of the low back and upper extremities.

The Bureau of Labor Statistics (BLS) data, while suffering a number of limitations, are sufficient to confirm that the magnitude of work-related musculoskeletal disorders is very large and that rates differ substantially among industries and occupations, consistent with the assumption that work-related risks are important predictors of musculoskeletal disorders. BLS recently estimated 846,000 lost-workday cases of musculoskeletal disorders in private industry. Manufacturing was responsible for 22 percent of sprains/strains, carpal tunnel syndrome, or tendinitis, while the service industry accounted for 26 percent. Examining carpal tunnel syndrome alone, manufacturing, transportation, and finance all exceeded the national average, while for the most common but less specific sprains and strains, the transportation sector was highest, with construction, mining, agriculture, and wholesale trade all higher than average. These data suggest that musculoskeletal disorders are a problem in several industrial sectors, that is, the problems are not limited to the traditional heavy labor environments represented by agriculture, mining, and manufacturing.

The National Center for Health Statistics (NCHS) survey data provide added information on self-reported health conditions of the back and the hand. This survey presents estimates for back pain among those whose pain occurred at work (approximately 11.7 million) and for those who specifically reported that their pain was work-related back pain (5.6 million).

The highest-risk occupations among men were construction laborers, carpenters, and industrial truck and tractor equipment operators, and among women the highest-risk occupations were nursing aides/orderlies/attendants, licensed practical nurses, maids, and janitor/cleaners. Other high-risk occupations were hairdressers and automobile mechanics, often employed in small businesses or self-employed.

Among men, the highest-risk industries were lumber and building material retailing, crude petroleum and natural gas extraction, and sawmills/planing mills/millwork. Among women, the highest-risk industries were nursing and personal care facilities, beauty shops, and motor vehicle equipment manufacturing.

Questions from the NCHS survey on upper-extremity discomfort elicited information

about carpal tunnel syndrome, tendinitis and related syndromes, and arthritis. Carpal tunnel syndrome was reported by 1.87 million people; over one-third of these were diagnosed as carpal tunnel syndrome by a health care provider and half were believed to be work-related. Tendinitis was reported by 588,000 people, and 28 percent of these were determined to be work-related by a health care provider. Over 2 million active or recent workers were estimated to have hand/wrist arthritis. The survey did not report these conditions by either occupation or industry.

6. Does the literature reveal any specific guidance to prevent the development of such conditions in (a) the general population, (b) specific industries, and (c) specific occupational groups?

A. Development and Prevention in working Populations

Because the majority of the U.S. population works, the data for the population as a whole apply to the 80 percent who are working. There is substantial evidence that psychological factors, in addition to the physical factors cited above (see response to Question 4), are significant contributors to musculoskeletal disorders. relevant factors are repetitive, boring jobs, a high degree of perceived psychosocial stress, and sub-optimal relationships between worker and supervisor.

The weight and pattern of both the scientific evidence and the very practical quality improvement data support the conclusion that primary and secondary prevention interventions to reduce the incidence, severity, and consequences of musculoskeletal injuries in the workplace are effective when properly implemented. The evidence suggests that the most effective strategies involve a combined approach that takes into account the complex interplay between physical stressors and the policies and procedures of industries.

The complexity of musculoskeletal disorders in the workplace requires a variety of strategies that may involve the worker, the workforce, and management. These strategies fall within the categories of engineering controls, administrative controls, and worker-focused modifiers. The literature shows that no single strategy is or will be effective for all types of industry; interventions are best tailored to the individual situation. However, there are some program elements that consistently recur in successful programs:

1. Interventions must mediate physical stressors, largely through the application of ergonomic principles.

2. Employee involvement is essential to successful implementation.

3. Employer commitment, demonstrated by an integrated program and supported by best practices review, is important for success.

Although generic guidelines have been developed and successfully applied in intervention programs, no single specific design, restriction, or practice for universal application is supported by the existing scientific literature. Because of limitations in the scientific literature, a comprehensive and systematic research program is needed to further clarify and distinguish the features that make interventions effective for specific musculoskeletal disorders.

B. Development and Prevention in Specific Occupations

Occupations that involve repetitive lifting, e.g., warehouse work, construction, and pipe fitting, particularly when that activity involves twisting postures, are associated with an increased risk for the complaint of low

back pain and, in a few studies, an increased risk for lumbar disc herniation.

The prevalence of osteoarthritic changes in the lumbar spine (disc space narrowing and spinal osteophytes) is significantly greater in those whose occupations require heavy and repetitive lifting compared with age-matched controls whose occupations are more sedentary. Despite these radiographical differences, most of the studies show little or no difference in the prevalence of low back pain or sciatica between those with radiological changes of osteoarthritis and those with no radiological changes. Based on the current evidence, modification of the lifting can reduce symptoms and complaints. Specific successful strategies, which include ergonomic interventions (such as the use of lift tables and other devices and matching the worker's capacity to the lifting tasks), administrative controls (such as job rotation), and team lifting, appear successful. Despite enthusiasm for their use, there is marginal or conflicting evidence about lifting belts and educational programs in reducing low back pain in the population with heavy lifting requirements. Some examples of positive interventions include:

Truck drivers—Vibration exposure is thought to be the dominant cause for the increased risk for low back pain and lumbar disc herniation. There are some data to support the efficacy of vibrational dampening seating devices.

Hand-held tool operators—Occupations that involve the use of hand-held tools, particularly those with vibration, are associated with the general complaints of hand pain, a greater risk of carpal tunnel syndrome, and some tenosynovitis. Redesign of tools is associated with reduced risks.

Food processing—Food processing, e.g., meat cutting, is associated with a greater risk of shoulder and elbow complaints. Job redesign appears to reduce this risk, but this information is largely based on best practices and case reports.

7. What scientific questions remain unanswered, and may require further research, to determine which occupational activities in which specific industries cause or contribute to work-related musculoskeletal disorders?

The panel's recommended research agenda is provided in Chapter 12 of the report.

CHRONOLOGY OF OSHA'S ERGONOMICS STANDARD

August 1990—In response to statistics indicating that RSIs are the fastest growing category of occupational illnesses, Secretary of Labor Elizabeth Dole commits the Labor Department to "taking the most effective steps necessary to address the problem of ergonomic hazards on an industry wide-basis" and to begin rulemaking on an ergonomics standard. According to Secretary Dole, there was sufficient scientific evidence to proceed to address "one of the nation's most debilitating across-the-board worker safety and health illnesses of the 1990's."

July 1991—The AFL-CIO and 30 affiliated unions petition OSHA to issue an emergency temporary standard on ergonomics. Secretary of Labor Lynn Martin declines to issue an emergency standard, but commits the agency to developing and issuing a standard using normal rulemaking procedures.

June 1992—OSHA, under acting Assistant-Secretary Dorothy Strunk, issues an Advanced Notice of Proposed Rulemaking on ergonomics.

January 1993—The Clinton Administration makes the promulgation of an ergonomics

standard a regulatory priority. OSHA commits to issuing a proposed rule for public comment by September 30, 1994.

March 1995—The House passes its FY 1995 rescission bill that prohibits OSHA from developing or promulgating a proposed rule on ergonomics. Industry members of the Coalition on Ergonomics lobbied heavily for the measure. Industry ally and outspoken critic of government regulation, Rep. Tom DeLay (R-TX), acts as the principal advocate of the measure.

—OSHA circulates draft ergonomics standard and begins holding stakeholders' meetings to seek comment and input prior to issuing a proposed rule.

June 1995—President Clinton vetoes the rescission measure.

July 1995—Outspoken critic of government regulation Rep. David McIntosh (R-IN) holds oversight hearings on OSHA's ergonomics standard. National Coalition on Ergonomics members testify. By the end of the hearing, McIntosh acknowledges that the problem must be addressed, particularly in high risk industries.

—Comprise rescission bill signed into law; prohibits OSHA from issuing, but not from working on, an ergonomics standard. Subsequent continuing resolution passed by Congress continues the prohibition.

August 1995—Following intense industry lobbying, the House passes a FY 1996 appropriations bill that would prohibit OSHA from issuing, or developing, a standard or guidelines on ergonomics. The bill even prohibits OSHA from requiring employers to record ergonomic-related injuries and illnesses. The Senate refuses to go along with such language.

November 1995—OSHA issues its 1996 regulatory agenda which does not include any dates for the issuance of an ergonomics proposal.

December 1995—Bureau of Labor Statistics (BLS) releases 1994 Annual Survey of Injuries and Illnesses which shows that the number and rate of disorders associated with repeated trauma continues to increase.

April 1996—House and Senate conferees agree on a FY 1996 appropriation for OSHA that contains a rider prohibiting the agency from issuing a standard or guidelines on ergonomics. The compromise agreement does permit OSHA to collect information on the need for a standard.

June 1996—The House Appropriations Committee passes a 1997 funding measure (H.R. 3755) that includes a rider prohibiting OSHA from issuing a standard or guidelines on ergonomics. The rider also prohibits OSHA from collecting data on the extent of such injuries and, for all intents and purposes, prohibits OSHA from doing any work on the issue of ergonomics.

July 1996—The House of Representatives approves the Pelosi amendment to H.R. 3755 stripping the ergonomics rider from the measure. The vote was 216-205. Ergonomic opponents vow to reattach the rider in the Senate or on a continuing resolution.

February 1997—Rep. Henry Bonilla (R-TX) circulates a draft rider which would prohibit OSHA from issuing an ergonomics proposal until the National Academy of Sciences completes a study on the scientific basis for an ergonomics standard. The rider, supported by the new coalition, is criticized as a further delay tactic.

—During a hearing on the proposed FY 1998 budget for the National Institute for Occupational Safety and Health, Rep. Bonilla questions Centers for Disease Control head David Satcher on the scientific underpinnings for

an ergonomics standard. Bonilla submits more than 100 questions on ergonomics to Satcher.

April 1997—Rep. Bonilla raises questions about OSHA's plans for an ergonomics standard during a hearing on the agency's proposed FY 1998 budget.

July 1997—NIOSH releases its report Musculoskeletal Disorders and Workplace Factors. Over 600 studies were reviewed. NIOSH concludes that "a large body of credible epidemiological research exists that shows a consistent relationship between MSDs and certain physical factors, especially at higher exposure levels."

—California's ergonomics regulation is initially adopted by the Cal/OSHA Standard Board, approved by the Office of Administrative Law, and becomes effective. (July 3)

October 1997—A California superior court judge rules in the AFL-CIO's favor and struck down the most objectionable provisions of the CA ergonomics standard.

November 1997—Congress prohibits OSHA from spending any of its FY 1998 budget to promulgate or issue a proposed or final ergonomics standard or guidelines, with an agreement that FY 1998 would be the last year any restriction on ergonomics would be imposed.

May 1998—At the request of Rep. Bonilla and Rep. Livingston, The National Academy of Sciences (NAS) receives \$490,000 from the National Institutes of Health (NIH) to conduct a review of the scientific evidence on the work-relatedness of musculoskeletal disorders and to prepare a report for delivery to NIH and Congress by September 30, 1998.

August 1998—NAS brings together more than 65 of the leading national and international scientific and medical experts on MSDs and ergonomics for a two day meeting to review the scientific evidence for the work relatedness of the disorders and to assess whether workplace interventions were effective in reducing ergonomic hazards.

October 1998—NAS releases its report Work-Related Musculoskeletal Disorders: A Review of the Evidence. The NAS panel finds that scientific evidence shows that workplace ergonomic factors cause musculoskeletal disorders.

—Left as one of the last issues on the table because of its contentiousness, in its massive Omnibus spending bill Congress appropriates \$890,000 in the FY 1999 budget for another NAS study on ergonomics. The bill, however, freed OSHA from a prohibition on the rulemaking that began in 1994. This point was emphasized by a letter to Secretary of Labor Alexis Herman from then Chair of the Appropriations Committee Rep. Livingston and Ranking member Rep. Obey expressly stating that the study was not intended to block or delay OSHA from moving forward with its ergonomics standard.

December 1998—Bureau of Labor Statistics (BLS) releases 1997 Annual Survey of Injuries and Illnesses which shows that disorders associated with repeated trauma continue to make up nearly two-thirds of all illness cases and musculoskeletal disorders continue to account for one-third of all lost-workday injuries and illnesses.

February 1999—OSHA releases its draft proposed ergonomics standard and it is sent for review by small business groups under the Small Business Regulatory and Enforcement Fairness Act (SBREFA).

March 1999—Rep. Blunt (R-MO) introduces H.R. 987, a bill which would prohibit OSHA from using a final ergonomics standard until NAS completes its second ergonomics study (24 months).

April 1999—The Small Business Review Panel submits its report to OSHA's draft proposed ergonomics standard to Assistant Secretary Jeffress.

May 1999—The second NAS panel on Musculoskeletal Disorders and the Workplace holds its first meeting on May 10-11 in Washington, DC.

—Senator Kit Bond (R-MO) introduces legislation (S. 1070) that would block OSHA from moving forward with its ergonomics standard until 30 days after the NAS report is released to Congress.

—House Subcommittee on Workforce Protections holds mark-up on H.R. 987 and reports out the bill along party line vote to forward it to Full Committee.

June 1999—House Committee on Education and the Workforce holds mark-up on H.R. 987 and reports out the bill in a 23-18 vote.

August 1999—House votes 217-209 to pass H.R. 987, preventing OSHA from issuing an ergonomics standard for at least 18 months until NAS completes its study.

October 1999—Senator Bond offers an amendment to the LHHS appropriations bill which would prohibit OSHA from issuing an ergonomics standard during FY 2000. The amendment is withdrawn after it becomes apparent that Democrats are set to filibuster the amendment.

—The California Court of Appeals upholds the ergonomics standard—the first in the nation—which covers all California workers.

November 1999—Washington State Department of Labor and Industries issues a proposed ergonomics regulation on November 15 to help employers reduce ergonomics hazards that cripple and injure workers.

—Federal OSHA issues the proposed ergonomics standard on November 22. Written comments will be taken until February 1, 2000. Public hearings will be held in February, March, and April.

February 2000—OSHA extends the period for submitting written comments and testimony until March 2. Public hearings are rescheduled to begin March 13 in Washington, DC followed by public hearings in Chicago, IL and Portland, OR in April and May.

March 2000—OSHA commences 9 weeks of public hearings on proposed ergonomics standard.

May 2000—OSHA concludes public hearings on proposed ergonomics standard. More than one thousand witnesses testified at the 9 weeks of public hearings held in Washington, DC, Chicago, Illinois, and Portland, Oregon. The due date for post hearing comments is set for June 26; and the due date for post hearings briefs is set for August 10.

—The House Appropriations Committee adopts on a party line vote a rider to the FY 2001 Labor-HHS funding bill (H.R. 4577) that prohibits OSHA from moving forward on any proposed or final ergonomics standard. The rider was adopted despite a commitment made by the Committee in the FY 1998 funding bill to "refrain from any further restrictions with regard to the development, promulgation or issuance of an ergonomics standard following fiscal year 1998."

June 2000—An amendment to strip the ergo rider from the FY 2001 Labor-HHS Appropriations bill on the House floor fails on a vote of 203-220.

—The Senate adopts an amendment to the FY 2001 Labor-HHS bill to prohibit OSHA from issuing the ergonomics rule for another year by a vote of 57-41.

—President Clinton promises to veto the Labor-HHS bill passed by the Senate and the House stating, "I am deeply disappointed that the Senate chose to follow the House's

imprudent action to block the Department of Labor's standard to protect our nation's workers from ergonomics injuries. After more than a decade of experience and scientific study, and millions of unnecessary injuries, it is clearly time to finalize this standard."

October 2000—Republican negotiators agree to a compromise that would have permitted OSHA to issue the final rule, but would have delayed enforcement and compliance requirements until June 1, 2001. Despite the agreement on this compromise, Republican Congressional leaders, acting at the behest of the business community, override their negotiators and refuse to stand by the agreement.

November 2000—On November 14, OSHA issues the final ergonomics standard.

—In an effort to overturn the ergonomics standard several business groups file petitions for review of the rule. Unions file petitions for review in an effort to strengthen the standard.

December 2000—House and Senate adopt Labor-Health and Human Services funding bill. The bill does not include a rider affecting the ergonomics standard.

January 2000—Ergonomics standard takes effect January 16.

—NAS releases its second report in three years on musculoskeletal disorders and the workplace. The report confirms that musculoskeletal disorders are caused by workplace exposures to risk factors including heavy lifting, repetition, force and vibration and that interventions incorporating elements of OSHA's ergonomics standard have been proven to protect workers from ergonomic hazards.

Mr. NORWOOD. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. CUNNINGHAM), my friend.

Mr. CUNNINGHAM. Mr. Speaker, in California we have an energy crisis. We have several small businesses going out just because of the costs of energy. We have restaurants that are on a very narrow margin. Those people employ workers.

My colleagues that are opposed to this are generally from a liberal philosophy of government control. If we fall out of line like the blacklisting that the union, the Clinton-Gore administration, put out last year, then we can control you. We can control your private profit. We can control education. We can control your business. If you do not comply, yes, we will send in the IRS or OSHA or EPA, and what we are saying is that, yes, that my colleagues would make people think that we do not want workplace safety, we are for the evil business. That is just not true.

We support the working families, and we want to give them tax relief, but my opponents, I would guarantee that over 90 percent of them that are opposed to this do not want tax relief, and they did not want the balanced budget and they did not want welfare reform, because they want government control.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1½ minutes to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Speaker, this issue is not new to any of us who have served in this body.

The Secretary of Labor for President George Herbert Walker Bush, a lady I have a great deal of respect for, said we must do our utmost to protect workers from these hazards of repetitive stress injuries.

We all know this is a problem. We are in our town meetings and our constituents come up to us with the braces on their arms. We have our case workers in our offices dealing with these issues day in and day out. Our workers are suffering.

And more importantly, our businesses know that they have some answers, they are out there working on this. Mr. Speaker, 3M, a big American company, has had a 58 percent decrease in lost time cases, 58 percent decrease. Sun Microsystems, a high tech company with repetitive injury claims, their claims went from \$45,000 to \$3,500.

My colleagues might say businesses are doing it, but do not tell us to do more of it. President Bush is going to tell us to do a lot more testing, because it works in Texas. We are going to hear that. Do not give us that argument on our businesses.

Finally, I have to say that we have been in this great Chamber since December 16, 1857, and had great debates, but today is one of the darkest days literally when the majority said they would rather have a dark Chamber than a Chamber filled with discussion and debate and differences. I hope we do much better in the future.

Mr. NORWOOD. Mr. Speaker, how much time is remaining?

The SPEAKER pro tempore. The gentleman from Georgia (Mr. NORWOOD) has 10 minutes and 15 seconds remaining, and the gentleman from California (Mr. GEORGE MILLER) has 5½ minutes remaining.

□ 1845

Mr. BOEHNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, just to keep the record straight, there is no doubt President Bush and Secretary Dole should be applauded for bringing up ergonomics in 1990, but there is absolutely no reason to suspect they would be for this rule.

Mr. Speaker, I am very pleased to yield 1½ minutes to the gentleman from Alabama (Mr. CALLAHAN).

Mr. CALLAHAN. Mr. Speaker, I thank the gentleman for yielding me this time. I have been in meetings during most of the debate. But I did want to come to the floor and bring out one important point, and that is the impact of cost to small businesses in the event that this ergonomic thing is continued as proposed by the Clinton administration.

Any small business person would tell us today that their number one problem is even securing workman's compensation. It is very seldom that any major insurance company will insure any business for a period longer than 3

years. They come in, and they give one a rate that seems reasonable. Two years later, they raise that. Three years, they raise it out of the possibility of affordability by small business.

So I encourage my colleagues to think what is going to happen. Workman's compensation is going to at least double in cost to small business people, if, indeed, they can get it at all. There is a possibility, because of the extreme changes in coverage as proposed under this regulation, that it could even triple.

So when my colleagues are back in their district, think about addressing these small business people who are having to pay these exorbitant costs now, and think about the impact that it is going to cause if, indeed, we do not repeal this through this effort today.

So I plead with my colleagues to recognize what they are doing to small business people. We all are concerned about all workers. We all want them to have coverage. But if my colleagues put workman's compensation out of affordability range, they are doing a great disservice.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Speaker, I rise to oppose this legislation. It is bad for workers. It is bad for America.

Mr. Speaker, I rise in strong opposition to the Disapproval Resolution for OSHA Ergonomics Rule, which threatens the health and safety of our nation's workforce.

Each year, more than 650,000 American workers suffer from work related musculoskeletal disorders caused by repetitive motion and overexertion.

These are hardly minor aches and pains. These are serious, disabling conditions that have extensive impacts on workers' lives, and are estimated to cost the American public something in the realm of \$40-\$50 billion a year.

The lives of workers who suffer from carpal tunnel syndrome, tendinitis, back injuries or other similar injuries, as a result of unsafe workplace conditions, are changed forever.

Frequently, they lose their jobs, become permanently unemployed, or are forced to take severe pay cuts to continue working. These injuries destroy lives and they destroy families—and it's simply unacceptable.

I want to emphasize to my colleagues that, as a scientist and a clinician, I am dogged in demanding strong, peer-reviewed science in making important public health decisions.

OSHA's ergonomics standard, issued on November 14, 2000, is critically important to working men and women. The standard is based on voluminous evidence, sound science and good employer practices and should not be repealed. This rule may not be perfect, but I can tell you that this rule is far better than the alternative.

This is a common sense measure to help prevent the suffering of American workers, while at the same time saving the American taxpayers billions of dollars.

I urge my colleagues to resist efforts to repeal this vital worker safety rule—and to oppose this resolution that prevents OSHA from implementing an ergonomic standard.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, every year, millions of hard-working Americans are injured on the job, men and women who do not have anyone looking out for them. They work two jobs, three jobs. Many do not have health insurance. Many make the minimum wage. They are meat packers, poultry workers, cashiers, assembly line workers, sewing machine operators. My mother was a sewing machine operator.

They do the jobs that Members of Congress do not want to do. They are the face that the Republican leadership today does not want us to see. They are the ones who will pay with their livelihood when we roll back these workplace safety rules.

In Connecticut, over 11,000 workers suffered workplace injuries in 1998. They were forced to miss one day of work. The cost to Connecticut's economy was \$1 billion a year.

The President, the Republican leadership have decided that these workers do not deserve basic protections. The Wall Street Journal told us why yesterday. They said that the big industries that bankrolled the Bush campaign have now lined up looking for, and I quote, a return on their investment. That is what this is all about today. That is why we are rolling back worker-safety laws.

Stand with the people of America and not with the special interests. Vote against this bill today.

Mr. BOEHNER. Mr. Speaker, I yield 1 minute to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Speaker, it is not often that one gets to go to the House floor and actually vote on substantive legislation that will roll back regulation. It is equally a rare opportunity to stand and commend the Senate for doing the right thing before we get here. Today we get to do both. I appreciate this opportunity.

I stand in strong support of this legislation. There is never a good time to saddle business with the costs that this will saddle them with. Today and this time is a particularly bad time given the soft economy.

Mr. GEORGE MILLER of California. Mr. Speaker, if I might inquire as to how much time we have remaining.

The SPEAKER pro tempore (Mr. HANSEN). The gentleman from California (Mr. GEORGE MILLER) has 4½ minutes remaining. The gentleman from Ohio (Mr. BOEHNER) has 8 minutes remaining.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. SANCHEZ).

Ms. SANCHEZ. Mr. Speaker, how many more people must be hurt before this Congress does what is right? Obviously, there are over 600,000 workers a year who get hurt because of ergonomic problems.

If we pass this resolution today, we are effectively saying we know one might get hurt and have injuries that last a long time, but we do not care. I am not willing to make that statement today.

This standard will help countless nurses, clerks, laborers, and, yes, factory workers. Factory workers like Ignacio Sanchez, my father, who worked for 40 years in the factory because he had to support seven children. These are the type of people my colleagues hurt today by passing this resolution.

The problem with the resolution is that it would not only revoke the current ergonomic standards, but it would prevent the Department of Labor from issuing future general standards. How can Congress prepare to debate a tax bill for the rich and yet hurt the working people of America? I ask my colleagues to vote against this resolution.

Mr. BOEHNER. Mr. Speaker, I yield 4 minutes to the gentleman from Georgia (Mr. Norwood), chairman of the Subcommittee on Workforce Protections.

Mr. NORWOOD. Mr. Speaker, I would like to make it very clear to my friends on the other side of the aisle, as chairman of the Subcommittee on Workforce Protections, I care about the health and safety of workers just as much as they do. But this is a very bad rule coming from OSHA that could, indeed, hurt those same workers they want to protect.

Let us just take one simple hypothetical. Let us say an employee hurts themselves playing softball. They know that, under this regulation, if they claim this musculoskeletal disorder and can blame it on the work force, then they can take 90 days off with 90 percent of their pay. The injured patient then gets to the doctor and gets the doctor to say this softball accident really is work related. The employers call the doctor and say, wait a minute, this MSD was caused by playing softball. I know that. Two or three of our employees saw it. The doctor says, sorry, I cannot talk to you about this. It is against the law.

The OSHA SWAT team then comes in and says you have one MSD patient, you have one, therefore, you must make changes in your workplace, costing thousands of dollars for small businesses and perhaps millions for big businesses. Plus, you pay them 90 percent of the salary for 90 days.

This can force small businesses to go out of business when their workman's compensation premiums double with all the other additional expenses one adds on top of it.

Mr. Speaker, I want to hear OSHA explain to me how they are going to enforce these new ergonomic rules in the textile plants of Mexico and China. It seems we have trade agreements that allow these countries access to our textile market, so it would only be fair that those Mexican and Chinese mills should have to comply with these rules the same as American textile mills.

We do not at present require Mexican and Chinese friends to comply with the minimum wage. So it concerns me that OSHA is planning to let them off the hook on ergonomics as well.

I also want to see the OSHA plan for enforcement of these new ergonomic standards for the Canadian lumber industry. Under these new rules, it looks like it might be illegal for a logger to pick up a chain saw. I really want to know if our Canadian friends will have to operate under the same restrictions that we are.

See, my district has lost hundreds of jobs in the past few months to subsidized Canadian timber prices, while we have all but kicked our loggers out of the National Forests.

Now, I also have an even trickier question. When Mexican and Canadian truckers come driving their loads of textiles and logs down our interstate highways as called for by NAFTA, is OSHA going to enforce the same ergonomic standards on them as they do our Teamsters?

Mr. Speaker, every Member of this House and every union worker in America needs to recognize a terrifying reality about the implementation of these standards. These new rules include a total labor of compliance for every corporation who will move U.S. jobs across our northern and southern borders out of this country. Mr. Speaker, it appears our workers may face more of a danger from new OSHA regulations than they ever would from repetitive motions.

I urge rejection, I urge us all to disagree with this standard wholeheartedly. It is as bad as the one this House let the Labor Department pass 9 or 10 years ago on the blood-borne pathogen standard. I know how bad that one was because, in my other life, I had to live under that nonsense.

Please do not allow them to get away with this again. Let us come back and write real standards.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. HOYER), a member of the Committee on Appropriations, Subcommittee on Labor, Health and Human Services and Education.

Mr. HOYER. Mr. Speaker, I thank the chairman for yielding me this time.

Mr. Speaker, on whatever side of the issue, we all ought to be against this legislation on the floor today. To the

new Members who come here, did they come here expecting to have no hearings, no consideration, no full debate on issues of consequence to hundreds of thousands and, yes, millions of Americans? Is that how we are going to run the House of Representatives? Is that the responsibility we owe in a democracy?

The gentleman from Georgia (Mr. NORWOOD) has been rolled on the Patients' Bill of Rights by his own leadership? Why do we come to the floor rolling us once again, and when I say "us," not the Democrats and Republicans in the House of Representatives, but the thousands of people who might just want to come here and tell us how they believe, what they think, what their perceptions are.

The gentleman from Georgia (Chairman NORWOOD) said this, "No reason to believe they," speaking of Libby Dole and George Bush, "would be for this legislation." Of course there is no reason to believe, because we have not asked them. We have not asked any American to come in and tell us what should we do. That is not the way to legislate.

Reject this legislation.

Mr. Speaker, the final Workplace Safety Standard issued by the Occupational Safety and Health Administration on November 14, 2000, was the result of a 10-year public process initiated in 1990 by Secretary of Labor, Elizabeth Dole.

Use of the Congressional Review Act to repeal the Workplace Safety Standard is an extreme measure. Not only would it represent the first vote ever in Congress to take away a public health and safety protection, but it would also prevent OSHA from ever issuing other important worker health and safety measures.

Each year, U.S. workers experience 1.8 million work-related repetitive stress disorders. And every year 600,000 workers in America lose time from work because of repetitive motion, back and other disabling injuries.

According to the Bureau of Labor Statistics, 34 percent of all lost workday injuries are related to repetitive stress injuries. These injuries are often extremely painful and disabling; sometimes they are permanent.

Last year the Department of Labor estimated that the workplace safety rule would prevent about 300,000 injuries per year, and save \$9 billion in workers compensation and related costs.

Due to riders and similar block-at-all costs tactics since 1995, the delay in implementing this rule cost \$45 billion in workers' compensation and related costs, and allowed 1.5 million painful and disabling injuries that could have been prevented.

The problems are real, but so are the solutions. The time for delay is past.

The time to act is now. American's workers can't afford to wait.

I urge my colleagues to vote "no" on the joint resolution of disapproval.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 30 seconds to the gentleman from New Jersey (Mr. ROTHMAN).

Mr. ROTHMAN. Mr. Speaker, these workplace safety standards were not developed over night. They were discussed under a Republican administration. It took thousands and thousands of comments, 7,000 written comments. One thousand individuals came to hearings across the Nation. They were not developed overnight.

As a result, these regulations were promulgated, put forth, only nine pages to protect American workers. They have not even been put into effect yet. The Republican majority today, and President George W. Bush, want to throw out these workplace safety regulations before they have even been put into effect after 10 years of discussion and work. Vote no on this rule.

Mr. BOEHNER. Mr. Speaker, I yield 30 seconds to the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Speaker, I thank the chairman for yielding me this time.

Mr. Speaker, I would simply like to tell the gentleman from Maryland (Mr. HOYER) I do not look like I have been rolled, and I do not feel like I have been rolled; and we will get a patients protection bill out. But it will not do any good if my colleagues allow this standard to go through that OSHA is trying to put down on us.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 30 seconds to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, to my friend from Florida, some companies do help the employees and workers and some do not. That is why we have Federal legislation.

The young lady sitting to my left, this hard-working young lady, is relieved every 15 minutes, is replaced. She goes downstairs and transcribes.

So while someone just said that OSHA does not cover Federal employees, executive orders cover Federal employees. Know the law. Know the law right under our noses.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 30 seconds to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, this is a direct attack on the separation of powers. It certainly is amazing to me that my colleagues have not taken the time to go and see what it is to be in the poultry factory, plucking legs and wings day after day and time after time, or being a high-tech worker. What an irony, it has taken 10 years to do this; and overnight, in 5 minutes, we are throwing it out.

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But the main point my colleagues have missed is it is the employer that decides whether or not the worker is injured, not anybody else. My colleagues are in fact asking America to

suffer injury, if this is the legislative process of this House. If there is any mercy, mercy on the American people. Mercy on the American people. This is a disgrace. Vote against it.

Mr. Speaker, I rise in strong opposition of S.J. Res. 6, Disapproving Resolution for the OSHA Ergonomics Rule. The resolution being considered by the House today will adversely affect the American worker's right to be properly compensated when injured on the job. I vehemently oppose this action to repeal the Occupational Safety and Health Administration (OSHA) regulations regarding the ergonomics rule.

Under current law, Congress may repeal an agency's regulation by enacting a resolution of disapproval within 60 days of the rule being promulgated. S.J. Res. 6 disapproves the rule issued by OSHA of the Labor Department regarding repetitive-stress injuries and provides that the rule, announced in November, shall have no force, effectively repealing it.

The regulation addressed by this disapproval resolution was issued in the final days of the Clinton Administration by (OSHA) to prevent repetitive-stress injuries. Since the appropriations act for FY 2001 was not enacted by last November, the Clinton administration was given an opportunity to promulgate a final ergonomics rule.

The rule, promulgated last November by OSHA, generally covers all workers, except those in construction, maritime, railroad or agriculture, who are covered by other protections. The rule requires employers to distribute to their employees information about musculoskeletal disorders (MSDs) and their symptoms. The OSHA rule that the resolution disapproves took effect January 16, 2001, but most of the requirements of the rule are not scheduled to be enforced until October 15, 2001. Employers must also respond to employees' reports of MSDs, or symptoms of MSDs, by this date.

The rule requires—and for good reason—to take action to address MSDs and ergonomic hazards when an employee reports a work-related MSD and has significant exposure to ergonomics risk factors. Under the rule, it is the employer who determines if the MSD is work-related; if it requires days away from work, restricted work, or medical treatment beyond first aid; and if it involves signs or symptoms that last seven consecutive days after the employee reports them to the employer.

The employer must do a quick check to assess whether the employee is exposed to ergonomics risk factors, including repetition, force, awkward postures, contact stress and hand-arm vibration. The rule would allow workers to finally receive the compensation they deserve.

S.J. Res. 6 would effectively dismantle an effective solution to the most important safety and health problems that workers face today. The procedure being used to overturn the rule prevents any kind of reasoned debate about the merits of the ergonomics rule.

Let's look at the facts. Workplace practices cause millions of ergonomics injuries each year. OSHA's rule will prevent more than 4.6 million of these injuries in the first ten years and will benefit more than 100 million workers throughout the nation.

OSHA estimates that the ergonomics standard will cost American businesses \$4.5 billion annually. But it will also save businesses \$9.1 billion in worker's compensation costs and lost productivity each year. This is an economic argument often forgotten.

The current ergonomics standard is the long-awaited result of a 10-year process begun by former Labor Secretary Elizabeth Dole. This resolution is being considered under a procedure that prevents reasoned consideration of the merits of this ergonomics rule and prohibits amendments to that rule. The resolution was rushed through the Senate and was abruptly added to the House schedule by the GOP leadership—without adequate notice usually given to such important measures.

The recent National Academy of Sciences study proves conclusively that workplace practices cause ergonomics injuries and that ergonomics programs work to prevent and limit these types of injuries. This study simply confirms the results of numerous previous studies.

Mr. Speaker, if there are problems with the ergonomics rule, we should make changes to address those problems. But such changes could be made administratively—without throwing out the entire rule and, with it, any debilitating ergonomic injuries. Let us pause for a moment and remind ourselves of our obligation to provide full compensation of workers' injuries. I urge my colleagues to oppose the resolution.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I said earlier this evening this was an assault on the American worker, and it is; but it is also an insult to the American worker that earlier today, rather than extend the debate so we could discuss the facts, so we could debate it back and forth, the House chose to rather stand in recess than have a debate in the people's House.

When we asked for a hearing in committee, there was no hearing forthcoming in the committee. When the Committee on Appropriations asked for a hearing, there was no hearing. Yet for years the Republicans have stalled this regulation by saying they wanted more evidence, they wanted additional studies. They stalled it right up until the last days of the Clinton administration. And then when President Clinton issued this regulation in the last days of his administration, they said, How could he do this at the last minute? Because they had been stalling him for 6 and 7 years to promulgate this regulation. This is like the people who kill their parents and then ask mercy from the court because they are orphans.

It is no wonder this regulation has been stalled. And now when it is finally in place to protect the American workers, they insult the American workers by overturning it in 1 hour.

Mr. BOEHNER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this really is a historic day in the people's House. This is the first time that the Congressional Review Act of 1996 is actually working its way through Congress and for the first time in the 10-plus years that I have been a Member of Congress that the Congress has stood up to the bureaucracy.

Yes, the gentleman from California is right, there are nine pages of regulations; but it took OSHA 600 pages to try to explain this to American businesses. And it would take any business owner in America a lawyer, a lawyer, to read through this to figure out exactly under what conditions the employer had to live by this regulation.

Now, we have heard a lot of debate today about the fact there is only 1 hour that we are going to have this discussion today. Now, all of the Members who have been here, more than those who were just here the last month and a half, know that we have debated this issue for 10 years; and for the last 6 or 7 years we have voted, the Congress, every year, to stop this and told OSHA to go back and take a look at it because it is too broad, it is too complicated, and it is too excessive on American workers and the people that they work for.

And what happened? The bureaucracy never listened. OSHA continued down their path of trying to shove this down the throats of the American people. This Congress today is standing up, finally, to the bureaucracy and saying, enough is enough; it is time to do something reasonable or not do it at all.

Now, why do I get a little excited about this? Well, let us go back. Let us go back to October when Congress voted again to make sure that this study did not go into effect. Four days after the election, the Clinton administration and OSHA decided they were going to proceed with this regardless of what the Congress thought. Why 4 days after the election? So it could take effect 4 days before the new administration came to office.

I do not think that is what the American people want. And I am proud of the fact that my colleagues today will stand up and tell the bureaucracy, enough is enough; that they are going to do things in a reasonable, responsible way or they will not do them at all.

Who are the people who are most concerned about their workers in this country? It is American small businessmen and small businesswomen who know that their workforce is the heart and soul of their business. The chances for them to succeed are based on their workers and the relationship they have with their workers. They are the ones that are interested in them.

We heard about the FedEx drivers with the bands around their waist, or the UPS drivers. Why do they wear

that? Not because of OSHA. Because their employer wants to make sure that they keep them healthy and on the job. How about the Home Depot worker? Same kind of waist band, and Amazon.com, we see them running around. How about the people at the Kroeger store who stock the shelves? Those companies are there looking out for their workers, as all employers are. And for Kroeger, as an example, when it comes to the checkout person and the height of that table they operate from and that cash register, that is all designed to protect those workers.

So I would ask all my colleagues today to stand up on this historic day and do what is right. Do what is right for American workers and do what is right for American business, and let us once and for all tell the bureaucracy here in Washington, enough is enough.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Florida (Ms. BROWN).

Ms. BROWN of Florida. Mr. Speaker, I rise in opposition to this first attack from the Bush administration on the working people after the coup d'etat that took place in Florida.

Mr. Speaker, I rise in strong opposition to this resolution. Corporate America, President Bush and this Republican controlled Congress are abandoning the scientifically based worker safety protections that the Labor Department had finally put in place.

I would also like to point out that without the coup that took place this past November in Florida, we would not be having this debate. This is another perfect example of how much it really does matter which party is in power and which party cares about our nation's workers.

After years of struggle, the newly enacted worker protections are already under attack, and are about to be stamped out completely. Big business and their allies in Congress, through an undemocratic political maneuver, want to throw out 10 years of struggle and research to kill the standards that require employers to protect workers.

Remember, working men and women are the backbone of this country, and I cannot believe that this Congress is simply ignoring their safety.

OSHA was finally moving forward to develop a standard to prevent unnecessary injuries, and this bill would only cause those workers more pain.

I urge my colleagues to stand up for the workers of America and vote against this resolution.

Mr. CONYERS. Mr. Speaker, I rise today in support of federal employees, who after ten years of studies, scientific evidence and millions of injuries, have taken the evidence and acted to protect the public interest. I rise in support of the findings of the studies initiated by my Republican Colleagues, which found not once, not twice, but in three separate studies, that Musculoskeletal Disorders, which injure nearly 2 million people annually, are caused by ergonomics hazards in the workplace. I rise in support of the employees in my

state and district who have suffered workplace injuries, and who have continued to suffer without the protection of an ergonomics standard which has been found to prevent those injuries. I rise to applaud the Clinton Administration's efforts to protect worker safety and the enactment OSHA's most significant rule to date. Unfortunately, this legislation is just another attempt by the Republican Party to eliminate the gains that the Clinton Administration gave to American workers.

If I were to tell you that 1,600 children were being injured at their schools every day, if 1,600 people were injured every day in car accidents, if 1,600 people a day were injured in any other fashion, we would have a national crisis on our hands. But when OSHA, the Department of Labor, the Centers for Disease Control, and three separate studies, find that 1,600 workers are injured so severely on the job every day, that they need time off of work, we not only turn our back on workers, but we attempt, for the first time ever, to rescind a rule issued by federal agencies. These 1600 injuries are preventable, my friends! These injuries are estimated to cost 20 billion dollars annually in workers compensation, while the actual cost to the economy is nearly 50 billion dollars. These injuries result in lost wages for working families and lost productivity for struggling small businesses. And it's preventable!

I also rise today in strong opposition to the method by which this legislation has come to the House Floor. The Congressional Review Act has never before been used to review a rule that our agencies have issued. It's never before been used. Ever. The Congressional Review Act is an extremist tool, a part of the Contract with America, and it's being used to tie the hand of our federal agencies, and of future Congresses, and to end any chance of ever protecting workers from preventable injuries. The method by which this bill has come to the House floor today, has left both sides unable to amend the legislation, bypassing long established House procedures, including review by the appropriate committee's. It's been rushed through by people long opposed to OSHA's ergonomics rule, and will result in permanent debilitating injuries to employees, and in billions of dollars of damage to our economy.

I encourage all of my colleagues to take a close look at the studies which opponents to this rule commissioned. They prove conclusively that ergonomic practices can prevent injuries and help improve the quality of life of all working Americans. I strongly discourage establishing this dangerous precedent, and ask that they vote against the Disapproval Resolution for the Ergonomics Rule.

Mr. CHAMBLISS. Mr. Speaker, I rise in strong support of the Senate Joint Resolution 6 to overturn the Occupational Safety and Health Administration's flawed ergonomics regulation. OSHA's Ergonomic rules are unnecessary, too costly to businesses, and may not accomplish the stated goal of improving worker safety.

The proposed regulation is expected to cost \$4.5 billion to the economy according to OSHA, I believe the cost will far exceed that. Small, medium, and large businesses would incur billions of dollars in new costs. If allowed to go into effect the OSHA regulation will be

the biggest, most onerous new government mandate industries have faced in years, and there is absolutely no concrete evidence that it would result in a greater reduction in injuries.

The problems with the OSHA ergonomics regulations are numerous. Musculoskeletal disorders are poorly defined with no differentiation between job injuries and those, which are pre-existing. It is impossible to ignore non-work-related factors, yet OSHA requires employers to do so. Furthermore, there is no medical standard for confirming injuries or a standard treatment protocol. Employees will also be left to determine whether to follow a federal OSHA requirement or state workers' compensation laws when any musculoskeletal disorder occurs.

Industries have done extensive research of employees and their worker safety records. The results of their research have shown that voluntary initiatives such as early intervention, job rotation, worker training, new equipment, and increased mechanization contribute to improving worker safety records.

Passing this resolution to rescind OSHA's ergonomics regulation will be a victory for workers and businesses in Georgia. We must ensure that workers have safe conditions in which to work while at the same time allowing businesses to prosper. The Clinton Administration's last minute, costly ergonomics mandate would have resulted in layoffs and higher prices for goods and services. I urge all of my colleagues to join me in supporting this resolution.

Ms. LEE. Mr. Speaker, I rise in strong opposition to S.J. Res. 6, the Disapproval Resolution for the OSHA Ergonomics Rule. This proposal will repeal ergonomic standards that protect millions of working men and women.

These ergonomics guidelines were issued in the final days of the Clinton administration by the Occupational Safety and Health Administration (OSHA) to prevent repetitive-stress injuries.

These guidelines are designed to prevent musculoskeletal disorders, such as back injuries and carpal tunnel syndrome, which constitute the biggest safety and health problem in the workplace. Such injuries account for nearly one-third of all serious job-related injuries.

In 1999, according to the Bureau of Labor Statistics, more than 600,000 workers suffered injuries caused by repetitive motion, heavy lifting, and forceful exertion. Ergonomics injuries affect every sector of the economy, including nurses, cashiers, computer users, truck drivers, construction workers, and meat cutters.

Women are particularly harmed by such injuries. Employees in data entry positions, assembly line slots, nursing home staffs and many other jobs face a heightened risk of workplace injury if implementation of the new ergonomics standard is halted.

A January 2001 National Academy of Sciences (NAS) study concluded that there is abundant scientific evidence demonstrating that repetitive workplace motions can cause injuries, and that such injuries can be prevented through ergonomic interventions.

OSHA developed a set of regulations to prevent extensive worker injuries. It is estimated that implementation of these regulations will

prevent more than 4.6 million injuries over the next decade and save employers \$9.1 billion a year. If S.J. Res. 6 passes the House, OSHA will be barred from issuing comparable protections to protect workers.

Our workers need to be protected. The OSHA guidelines will prevent hundreds of thousands of serious injuries each year and spare workers the pain, suffering and disability caused by these injuries. If S.J. Res. 6 passes, our workers will have no safety mechanisms to protect them from being injured at the workplace.

We cannot gamble with our worker's health and safety. They should not have to suffer unnecessary injuries. We must move forward and implement OSHA's important protections that will prevent more workers from being hurt.

It is unfortunate that the Bush Administration is declaring war on working families by supporting this proposal. This Administration is pushing this bill in order to pay off the big businesses that supported their election.

But what about the working class who will suffer tremendous losses due to the passage of this bill?

This is the same week that the Republicans want to pass a tax cut to benefit the wealthy while at the same time abolish workplace safety standards for the working class! Where are the priorities our President and Republican leadership?

I strongly urge my colleagues to support our hard-working individuals by voting "no" on passage of this proposal.

Mr. BENTSEN. Mr. Speaker, I rise in strong opposition to S.J. Res. 6, the Disapproving Resolution for the ergonomics rule that the Occupational Safety and Health Administration issued to prevent workplace-related repetitive-stress injuries.

Today we stand poised, for the first time, to disapprove an agency rule under the Congressional Review Act (CRA). The target of this unprecedented effort is a rule that tries to address musculoskeletal disorders (MSDs). The rule requires employers to take actions to address MSDs and ergonomic hazards if and when the employer determines that an employee, who has significant exposure to ergonomics risk factors, has reported a work-related MSD injury. This process was commenced by former Labor Secretary Elizabeth Dole in 1990, during the first President Bush's administration, who noted at the time that there was sufficient scientific evidence to require OSHA to proceed to address "one of the nation's most debilitating across-the-board worker safety and health illnesses of the 1990's." Here we are, over a decade later, still arguing about whether the OSHA has the authority to promulgate a workplace ergonomics rule.

It is important to stress two things. First, under the ergonomics rule, it is the employer, not the employee, who determines if the reported MSD is work-related. Employers may obtain the assistance of a health care professional in determining whether the MSD is work-related or employers may make the determinations themselves. Second, the ergonomics rule does not apply a "one-size-fits-all" approach that forces employers to establish comprehensive ergonomics program. Employers are given the flexibility to tailor their

response to the circumstances of their workplace. Employers may use a combination of engineering, administrative and work-practice controls to reduce hazards. I suspect if the Agency put out specific requirements, they would be chided for being too inflexible and placing impractical burdens on employers.

Opponents of the ergonomics rule argue that the costs of complying with the OSHA ergonomics standard will be \$100 billion. While I understand these concerns, and believe that the compliance burden of the ergonomics standard should be limited, especially on small businesses struggling to make a profit, I am also concerned that some workers may suffer undue stress and injuries from repetitive motions which could result in even greater costs. Studies have found that these disorders constitute the largest job-related injury and illness problem in the United States today. Employers pay more than \$15-\$20 billion in workers' compensation costs for these disorders every year, and taking into account other expenses associated with repetitive stress injuries (RSIs), this total may increase to \$45-\$54 billion a year. While thousands of companies have taken steps to address and prevent musculoskeletal disorders (MSDs) or RSIs, half of all American workplaces address ergonomics. The annual costs of this standard to employers are estimated to be \$4.5 billion, while the annual benefits it will generate are estimated to be \$9.1 billion.

Mr. Speaker, I rise in strong opposition to this shortsighted congressional action has ramifications far beyond treating the rule as if it had never taken effect. Disapproval prohibits OSHA from reissuing the same rule or a new rule that is "substantially the same" unless the new rule is specifically authorized by Congress. Given the political minefield OSHA had to cross the first time, history tells us that they won't soon be traveling that road again, leaving far too many American workers in workplaces that do not address a substantial workplace hazard.

Mr. LEVIN. Mr. Speaker, I strongly oppose the resolution pending before the House, which would disapprove the Department of Labor workplace safety rules related to ergonomics. In the strongest possible terms, I urge my colleagues to reject this measure.

There have been ten years of science and study on this issue. Each year, it is estimated that 1.8 million Americans suffer from workplace injuries, many of which result from overexertion or repetitive motion. Musculoskeletal injuries on the job cause 300,000 injuries each year. Workers in the meatpacking and poultry industries, auto assembly, nursing homes, transportation, warehousing, construction and data entry are among those most affected. Due to the demographics of these jobs, women are particularly at risk. Many of these injuries are serious enough to require time off from work, and cost businesses billions in workers compensation.

It speaks volumes that after years of delaying these workplace safety standards with the argument that more time and study were needed, the Republican Majority has rushed this resolution of disapproval to the Floor with little notice, no committee hearings, no possibility of amendment, and only one hour provided for general debate. It's also ironic that,

should the House adopt the resolution before us today, a workplace safety rulemaking that began 9 years ago during the first Bush Administration will be derailed by the signature of George W. Bush.

If there are problems with the new ergonomics rules, they can be addressed through the regular process, through hearings, and perfecting changes. Instead, today we have a sledgehammer.

Republicans should not be putting the special interests ahead of the public interest. We've studied this and studied this for the last ten years. The results are in. It's time to protect Americans from these preventable injuries. In the interest of protecting millions of workers from debilitating injuries, Congress should reject the resolution of disapproval.

Mr. SCHAKOWSKY. Mr. Speaker, ergonomics may be a fancy-sounding name but the impacts on workers from ergonomic hazards, including repetitive stress injuries (RSIs), carpal tunnel syndrome and tendonitis are down-to-earth and serious. Working men and women who suffer from ergonomic injuries have difficulty accomplishing the simple tasks that we take for granted. They often cannot open a can of soup, cannot comb their hair, and cannot hug their children. All of us know someone who has suffered a repetitive stress injury. Many keep working, in pain, because they cannot afford to stop. Their injuries are serious, they are obvious, they are often life-long and—most importantly—they are preventable.

Every year, 600,000 workers suffer serious injuries because of ergonomic injuries (according to a 1999 BLS study). Many of those injured workers are women. In fact, while women are 46 percent of the workforce, they account for 64% of repetitive motion injuries, 69% of lost-work-time cases due to carpal tunnel syndrome, and 61% of lost-work-time cases from tendonitis. Ergonomic hazards are the cause of one-third of all serious job-related injuries, but half of injuries affecting working women. They cost our nation \$45 to \$50 billion each year in medical costs, lost wages and lost productivity.

I, along with my Democratic colleagues in the Illinois delegation, today released a report prepared by the minority staff of the Government Reform Committee. It found that, in 1998, 26,734 Illinois workers suffered injuries so severe that they missed at least one day of work. Of those injuries, 5,554 workers—more than 1 in 5—missed more than a month of work. The cost of Illinois' economy is over \$2 billion a year.

Last November, after 10 years of study, 9 weeks of hearings, 11 best practices conferences, 9 months of opportunity for written comment, and years of legislative delays, ergonomic standards were finally issued to prevent injuries. The program standard issued last fall outlined the benefits from this rule: 4.6 million fewer injuries, protections for 102 million workers at 6.1 million worksites, \$9.1 billion in average annual savings, and \$27,700 savings in direct costs for each injury prevented. The cost: \$4.5 billion a year. Half of the projected savings result from preventing 4.6 million injuries.

In January 2001, the National Academy of Sciences issued a Congressionally-mandated

study, giving the latest in a long line of confirmations that ergonomic injuries are a serious workplace problem and they can be prevented through standards to reduce ergonomic hazards.

There is practical evidence as well. At companies like 3M and the big three auto makers, ergonomic standards have not only helped reduce worker injuries, they have saved money and made the companies more productive.

Ten years ago, Labor Secretary Elizabeth Dole called repetitive stress injuries "one of the nation's most debilitating across the board worker safety and health illnesses of the 1990's." We have delayed action for 10 years. Over that time, 6 million working men and women suffered needlessly. It is wrong that we let the 1990's go by without taking action. It would be unconscionable to allow RSIs to continue to plague working families in the new millennium.

The Joint Resolution of Disapproval overturns last November's standards and prevents the Department of Labor from issuing any similar standard unless specifically authorized by Congress. The Bush Administration and its Republican supporters in Congress say that the rule costs too much. It is too costly to protect 102 million workers? This same Administration has proposed giving \$774 billion to the richest one-percent of all Americans over the next 10 years.

I believe the November standards make sense in terms of workplace health and safety and economic productivity. But even if you believe that the employers need help to make ergonomic changes, why not take some of that \$774 billion and use it to improve workplace safety? I simply do not believe that protecting workers is beyond our means.

ERGONOMIC INJURIES IN ILLINOIS

(Prepared for Representatives Rod R. Blagojevich, Jerry F. Costello, Danny K. Davis, Lane Evans, Luis Gutierrez, Jesse Jackson, Jr., William O. Lipinski, David Phelps, Bobby L. Rush, and Janice D. Schakowsky)

Minority Staff, Special Investigations Division, Committee on Government Reform, U.S. House of Representatives, March 7, 2001

EXECUTIVE SUMMARY

Ergonomic injuries, such as back problems, tendonitis, sprains and strains, and carpal tunnel syndrome, are a serious and expensive workplace problem affecting the health of hundreds of thousands of workers and costing the U.S. economy billions of dollars annually. In 1998, almost six hundred thousand workers suffered ergonomic injuries that were so severe that they were forced to take time off of work.

Ergonomic injuries account for one-third of all occupational injuries and illnesses and constitute the single largest job-related injury and illness problem in the United States. The National Academy of Sciences has estimated that the costs of ergonomic injuries to employees, employers, and society as a whole can be conservatively estimated at \$50 billion annually.

The U.S. Department of Labor has worked for a decade to develop regulations to prevent ergonomic injuries. These regulations were finalized in November 2000. However, Congress is now considering repealing these regulations using the Congressional Review Act, a special legislative maneuver that has never been used before.

In order to estimate the impact of a repeal of the ergonomics rule on Illinois workers and on the state's economy, Reps. Rod R. Blagojevich, Jerry F. Costello, Danny K. Davis, Lane Evans, Luis Gutierrez, Jesse Jackson, Jr., William O. Lipinski, David Phelps, Bobby L. Rush, and Janice D. Schakowsky requested that the Special Investigations Division of the minority staff of the Committee on Government Reform conduct a study of ergonomic injuries in the state. This report, which is based on data obtained from the Bureau of Labor Statistics (BLS) and cost estimates prepared by the National Academy of Sciences, presents the results of the investigation.

The report finds that:

Thousands of Illinois workers suffer from ergonomic injuries. In 1998, 26,734 Illinois workers suffered ergonomic injuries that were so severe that they were forced to miss at least one day of work. Ergonomic injuries accounted for one-third of all occupational injuries that occurred in Illinois.

Many of these ergonomic injuries are severe, causing workers to miss significant time away from work. Of the 26,734 ergonomic injuries that caused workers to miss time at work, 5,554, over 20%, caused workers to miss more than a month of work. Almost 60% percent of the injuries were so severe that they caused workers to miss more than one week of work.

Ergonomic injuries cost Illinois's economy over two billion dollars each year. The analysis estimates that the total statewide cost of ergonomic injuries, including lost wages and lost economic productivity, was approximately \$2.3 billion in 1998.

I. INTRODUCTION

Ergonomic injuries, such as back problems, tendonitis, sprains and strains, and carpal tunnel syndrome, are a serious and expensive workplace problem affecting the health of hundreds of thousands of workers and costing the U.S. economy billions of dollars annually. In 1998, almost six hundred thousand workers suffered ergonomic injuries that were so severe that they were forced to take time off of work. Ergonomic injuries account for one-third of all occupational injuries and illnesses and constitute the single largest job-related injury and illness problem in the United States. These injuries are painful and debilitating. Ergonomic injuries can permanently disable workers, not only reducing their ability to perform their job, but preventing them from handling even simple tasks like combing their hair, typing, or picking up a baby.

These injuries are also expensive. Employees lose wages because of these injuries, while employers are forced to pay billions in compensation and face high costs because of the loss of productivity from the injuries. The National Academy of Sciences has estimated that the costs of ergonomic injuries to employees, employers, and society as a whole can be conservatively estimated at \$50 billion annually.

Both Republican and Democratic administrations have been concerned about ergonomic injuries for over a decade. In 1990, Elizabeth Dole, Secretary of Labor for President George H.W. Bush, found that ergonomic injuries were "one of the nation's most debilitating across-the-board worker safety and health issues" and announced that the Bush Administration was "committed to taking the most effective steps necessary to address the problem of ergonomic hazards. In June of 1992, President Bush's Labor Department began work to establish regulations to solve the problem of ergonomic injuries.

Under President Clinton, the Department of Labor continued to investigate the causes and potential solutions to ergonomic injuries. Last year the Department held nine weeks of hearings with more than one thousand witnesses. It sponsored 11 best practices conferences and allowed for nearly nine months of written comment from the public. It examined extensive scientific research, including a 1998 National Academy of Sciences study that found that ergonomic injuries can be caused by work and that workplace interventions can reduce the number and severity of these injuries. Finally, on the basis of this evidence, the Department concluded that ergonomic standards would reduce the number and severity of ergonomic injuries.

On November 14, 2000, the Department issued the final standards to reduce the occurrence of ergonomic injuries. Beginning in October of this year, covered employers must provide their employees with information about ergonomic injuries, how to recognize and report them, and a brief description of the new ergonomic standard. The employee is not required to take any additional steps unless an employee reports an ergonomic injury or persistent signs of one. If an employee reports an ergonomic injury or persistent symptoms, and the employee is exposed to ergonomic hazards, the employer must then take action to address the problem. This action could range from a "quick fix," if the injury is isolated, to implementation of a full ergonomics program.

The standards cover over six million employers and over 100 million workers. OSHA estimates that compliance will cost \$4.5 billion annually, but that the standards will save approximately \$9.1 billion annually and prevent roughly 4.6 million injuries over the next ten years.

Congress is now considering overturning these regulations using a special legislative maneuver, the Congressional Review Act (CRA), which has never been used before. The CRA, enacted in 1996 as part of the Republican Contract with America, allows Congress to repeal rules promulgated by executive agencies. The CRA also allows Congress to bypass many procedural requirements and repeal rules with very little debate.

On March 1, 2001, Senator Don Nickles (R-OK) invoked the CRA and introduced S.J. Res. 6, which disapproves the recently enacted ergonomics rule. If both the House and the Senate pass the legislation to overturn the regulation, and the President does not veto it, the ergonomics rule will be repealed. The Labor Department would then be permanently prevented from issuing any ergonomics rule that is "substantially the same" as the disapproved rule.

II. OBJECTIVE OF THE REPORT

This report was requested by Reps. Blagojevich, Costello, Davis, Evans, Gutierrez, Jackson, Lipinski, Phelps, Rush, and Schakowsky to estimate the incidence of ergonomic injuries in Illinois. While there have been analyses of the numbers of workers affected and the cost of ergonomic injuries at the national level, there have been few estimates of the extent of the problem at the state level. This report is the first congressional study to estimate the number of ergonomic injuries in Illinois, as well as the first to estimate the costs of these injuries.

III. METHODOLOGY

This analysis presents an estimate of the number of ergonomic injuries in Illinois, and an estimate of their cost. The data on the number ergonomic injuries was obtained upon request from the Bureau of Labor Statistics (BLS). BLS conducts extensive surveys of 220,000 private employees in 41 states,

and produces state and national estimates of the total number of workplace injuries and illnesses based on these survey results. The data obtained from BLS includes information on all musculoskeletal disorders—such as sprains and strains, back injuries, and carpal tunnel syndrome—that caused employees to miss at least one day of work. In addition to obtaining information on the total number of musculoskeletal injuries, the minority staff also requested and obtained more detailed data on the types and severity of injuries, the industries in which they occur, and the workers who are affected.

The report also estimates the cost of ergonomic injuries in Illinois. In order to estimate these costs in Illinois, the report relies upon the recent estimate by the National Academy of Sciences of the nationwide economic costs of ergonomic injuries. The economic costs estimated by the National Academy of Sciences include medical costs, lost wages, and lost productivity. In order to determine a statewide share of these costs, the report calculates the proportion of all U.S. ergonomic injuries that occur in Illinois. The report then uses this proportion to estimate the total economic costs in Illinois.

The cost figures in this analysis are estimates and are based upon several assumptions about the cost of treating ergonomic injuries and the lost wages and productivity due to these injuries. However, because the BLS data significantly underestimate the total number of injuries, it is likely that these estimates are significantly below the true cost of ergonomic injuries. According to the National Academy of Sciences, "there is substantial reason to think that a significant proportion of musculoskeletal disorders that might be attributable to work are never reported as such." For example, a study in Connecticut found that only 10% of workers who suffered from work-related ergonomic injuries had filed workers' compensation claims, suggesting a high level of underreporting.

IV. FINDINGS

A. The Number and Severity of Ergonomic Injuries in Illinois

The Bureau of Labor Statistics indicate that ergonomic injuries are a severe problem in the state of Illinois. The data show that in 1998, 26,734 workers suffered ergonomic injuries that were so severe that they were forced to miss at least one day of work. Ergonomic injuries accounted for one-third of all occupational injuries that occurred in Illinois in 1998.

Many of these ergonomic injuries are severe, causing workers to miss significant time away from work. Of the 26,734 ergonomic injuries that caused workers to miss time at work, 5,554, over 20%, caused workers to miss more than a month of work. Almost 60% of the injuries were so severe that they caused workers to miss more than one week of work. These extended absences cause financial hardship for employees and increase costs for their employers.

Workers in some industries are at higher risk of ergonomic injuries than workers in others. Overall, workers in the manufacturing suffered the most injuries (7,303), followed by workers in the services sector (6,132 injuries), and workers in transportation and public utilities (4,731 injuries). Among industry divisions employing a significant number of Illinois citizens, the transportation and public utilities industry had the highest incidence rate of ergonomic injuries, 148 per 10,000 workers.

B. The Cost of Ergonomic Injuries in Illinois

Ergonomic injuries cost Illinois's economy millions of dollars each year. In 1998, workers' compensation insurance paid injured workers in Illinois \$1.7 billion. The BLS data show that ergonomic injuries accounted for 33% of all workplace injuries in Illinois that year. If workers with ergonomic injuries received a proportionate share of the payments from workers' compensation, the cost of workers' compensation payments for Illinois workers that suffered ergonomic injuries in 1998 would be approximately \$560 million.

Workers' compensation payments are only a part of the total economic cost of ergonomic injuries, however. Employers and employees must not only pay for medical treatment, but lose millions of dollars in lost wages and lost economic productivity. Overall, the National Academy of Sciences estimates that the total cost of ergonomic injuries to the U.S. economy is approximately \$50 billion annually. In 1998, Illinois's private industry workers suffered 26,734 ergonomic injuries, which is 4.5% of all ergonomic injuries that occurred in the United States. If the state of Illinois bears a proportionate share of the nationwide economic costs of ergonomic injuries, this would mean that total costs due to ergonomic injuries in Illinois in 1998 were approximately \$2.3 billion.

V. CONCLUSION

This analysis finds that ergonomic injuries present a severe health problem for Illinois's workers and a significant economic cost statewide. Over 26,000 Illinois workers suffered ergonomic injuries that forced them to miss work in 1998. These injuries were often serious, with almost 60% of the injuries causing workers to miss more than a week of work. The total cost of ergonomic injuries to employers and employees in Illinois in 1998 was approximately \$2.3 billion.

Mr. CLAY. Mr. Speaker, I rise to urge my colleagues to support the OSHA Ergonomics Standard by voting no on the CRA resolution.

The importance of maintaining the Ergonomics standard as it relates to the health and well being of American workers cannot be argued. Each year, ergonomic workplace hazards cause over 1.8 million Americans to suffer crippling Musculoskeletal disorders, or MSDs. And of those injuries, 600,000 result in lost time from work.

Clearly, MSDs are the greatest single safety and workplace hazard confronting American workers today. But these types of injuries can be prevented simply by requiring employers to adhere to specific ergonomics workplace standards—and the OSHA rules do just that.

The long overdue OSHA ergonomics standard is supported by extensive scientific research and an exhaustive rulemaking record. We have the testimony of scores of scientific experts and hundreds of workers presented during numerous hearings on the matter—and they confirm that MSD injuries ARE serious, and they ARE caused by inadequate workplace environments, AND, they ARE preventable.

Since 1990, when then-Secretary of Labor Elizabeth Dole first promised to take action to protect workers from repetitive strain injuries, more than 6 million workers have suffered serious MSD injuries.

American workers have waited over ten years for this critical workplace protection and we must not make them wait any longer.

Every member of Congress has experienced first-hand the enormous pressure com-

ing from the White House, the Republican leadership and business groups for us to use the Congressional Review Act to do away with these critical worker protection standards.

But while the Bush Administration says these rules place an unfair financial burden on corporations, it says nothing about the long-term health problems MSD's impose on American workers.

These new safety and health protections will prevent hundreds of thousands of serious MSD injuries each year and spare American workers the pain, suffering and disability caused by these debilitating injuries.

I urge every member of Congress to join with the scientific experts and safety and health professionals in support OSHA's Ergonomics standard, so all working people throughout this country can finally have the workplace protections they so urgently need and so justifiably deserve. For the sake and health of American workers, vote no on the CRA resolution.

Mr. SWEENEY. Mr. Speaker, As the former Labor Commissioner for the State of New York, I have a long standing and well known concern for workers rights and worker protection. I strongly believe that our workers are companies' best asset. Our workers are some of the best educated and most productive in the world and they deserve protection from unhealthy worker environments. For this reason I was pleased to see the U.S. Department of Labor work to address workplace injuries.

Unfortunately, the rule put forward by the Department of Labor is unnecessarily broad and overreaching. Rather than being limited to jobs that involve numerous repetitive motions or excessive lifting, OSHA has created a rule so enormous in its scope that it regulates every motion in the workplace. Additionally, specific parts of the proposal have been identified by small business as costly and troublesome; a charge I take very seriously. Furthermore, there are charges that many non-work related factors may increase the likelihood of injury, yet OSHA's standard holds employers accountable. Lastly, some critics say there is a lack of consensus in scientific communities as to the causes and proven remedies for repetitive stress injuries.

Two specific concerns prompt me to cast a vote of no confidence on the ergonomics rule. Besides the legitimate concerns I have already discussed, I am skeptical of regulations that are put into effect during the final days of an Administration that had eight years to promulgate them. Despite the obvious political aspects of these regulations, the idea that a rule can use a "one size fits all" approach to address the immensely complex ergonomics issue is foolhardy at best. Washington has tried this approach before and failed, time and time again. Secondly, the negative impact the 700 pages of regulations will have on small businesses is predictable. It will cost them time and money to decipher them, cost them more to implement, and cause many to simply close up shop. Small businesses are the engine that drives the economy, and the more difficult we make it for them to succeed through unnecessarily burdensome regulations, the more difficult it is for the economy to grow.

My vote of no confidence on the ergonomics regulations does not mean I oppose an

ergonomics standard; I just oppose this one. I plan to work with Labor Secretary Chao to ensure our workers are protected from unhealthy work environments. Secretary Chao has made clear in a letter to Members of Congress, "Let me assure you that, in the event a Joint Resolution of Disapproval becomes law, I intend to pursue a comprehensive approach to ergonomics which may include new rule-making, that addresses the concerns levied against the current standard * * * Repetitive stress injuries in the workplace are an important problem." I pledge to work with her to see a quality, common sense, workable ergonomics standard put in place to protect the valued workers of our nation.

Mrs. MINK of Hawaii. Mr. Speaker, the ergonomics rule adopted by the Occupational Safety and Health Administration (OSHA) ten years after first being proposed by then-Secretary of Labor Elizabeth Dole will protect 102 million American workers from injuries in the workplace.

The ergonomics rule is designed to protect workers from musculoskeletal disorders caused by highly repetitive, heavy and forceful work. The injuries that result account for nearly a third of all serious job-related injuries.

According to the Bureau of Labor Statistics, in 1999 more than 600,000 workers suffered serious workplace injuries caused by repetitive motion and overexertion. These injuries cost employers and employees \$45 to 54 billion annually in compensation costs, lost wages and lost productivity.

The National Academy of Sciences, in a January, 2001 report mandated by Congress, found that in 1999 musculoskeletal disorders accounted for 130 million encounters with physicians, hospitals, emergency rooms and outpatient facilities.

The study concluded that there is a relationship between back disorders and manual material handling, heavy physical work, frequent bending and twisting and whole body vibration. Repetition, force and vibration are related to hand and arm injuries.

The NAS concluded that "the weight of the evidence justifies the introduction of appropriate and selected interventions to reduce the rise of musculoskeletal disorders of the lower back and upper extremities. These include, but are not limited to, the application of ergonomic principles to reduce physical as well psychosocial stressors." Clearly, the \$1 million NAS study mandated by Congress supports the ergonomics rule.

Consider the experience of the automobile industry. In 1994 Chrysler, Ford and General Motors and the United Auto Workers negotiated ergonomics programs in auto plants. The results: for workers, fewer and less severe injuries; for employers, gains in productivity, 1994. The Bureau of Labor estimates that in just 1 year, 69,000 work-related injuries were prevented in these companies. Of these, 41,000, or over two-thirds, were repetitive stress injuries.

OSHA estimates that 102 million workers in 6.1 million workplaces would be covered by the new ergonomics standard. Over ten years ergonomic problems in 18 million jobs will be fixed. Direct cost savings for each of these problem jobs is \$27,000, including saving lost productivity, lost tax payments and the admin-

istrative costs related to workers' compensation claims.

The ergonomics rule is extremely important to women in today's workforce. Women make up 46 percent of the workforce, but account for 64 percent of repetitive motion injuries. Repeal of the ergonomics rule will have a disproportionate effect on women in the workplace.

Women account for 64 percent of repetitive motion injuries.

Women account for 69 percent of lost-time cases from carpal tunnel syndrome.

Women account for 61 percent of lost-time cases from tendinitis.

Annually over 180,000 women are injured due to overexertion.

According to the AFL-CIO, the top five jobs with the highest number of nonfatal injuries requiring time off are nursing aides, orderlies and attendants; registered nurses; cashiers, maids and housekeepers and assemblers.

Disapproving the ergonomics rule through use of the Congressional Review Act will preclude OSHA from ever again promulgating a rule on ergonomics. The Administration could amend, revise or even repeal the rule through the very same rulemaking process that led to the rule. Congress can effectively suspend the rule by prohibiting OSHA from spending any money to implement the rule. But by disapproving the ergonomics rule through use of the Congressional Review Act, OSHA will not be able to issue any ergonomics rule in the future. OSHA will never be able to implement any of the recommendations of the National Academy of Science as a result of the use of the Congressional Review Act.

I urge my colleagues in the interest of worker safety to please vote "no" on S.J. Res. 6.

Mr. OTTER. Mr. Speaker, OSHA's final ergonomic rules are flawed and based on assumptions and speculation. Even a study done by the National Academy of Sciences on ergonomics, which implied their support of OSHA's ergonomics regulation, called for more research and better statistics. We can't run agencies on assumptions, instead, agencies must govern on sound principles. And sound principles do not include holding employers responsible for employee injuries that may have occurred outside the workplace. That's simple unfair and unjust to small businesses across the country.

What we have here is another federal agency that doesn't trust the American people. In fact, small businesses, testifying before OSHA public hearings, suggested non-regulatory, educational and voluntary approaches to addressing ergonomic issues. However, OSHA ignored small business concerns despite the fact the American people and small businesses have voluntarily reduced injuries by 26% between 1992 and 1998.

OSHA estimated the ergonomics standard will cost employers \$4.2 billion a year, but a Small Business Administration report estimated the actual cost of compliance would be as high as \$42.3 billion. This cost will come out of American's wallets just because OSHA wanted to put this rule in place, even though they did so without listening to the people through a Congressionally-mandated analysis.

Mr. Speaker, along with the burden of another regulatory program, OSHA's program

will invite a new wave of questionable claims and an increased number of lawsuits. Let us get back to common sense, leave it up to people in the workplace to decide, and vote for S.J. Resolution 6—a Measure of Disapproval for OSHA.

Mr. Speaker, I also submit the two letters attached for the RECORD, because they too state the case of OSHA's misguided efforts.

MICRON TECHNOLOGY, INC.,

Boise, ID, March 6, 2001.

Rep. C.L. "BUTCH" OTTER,

1st Congressional District, House of Representatives, Longworth House Office Building, Washington, DC.

DEAR REPRESENTATIVE OTTER: I am writing on behalf of Micron Technology, Inc. regarding OSHA's recent rules creating an ergonomics program standard. As Vice President of Operations whose responsibilities include the safety of Micron's employees, providing a safe work environment is an essential part of my responsibilities. Micron currently has a quality ergonomics program and knows such a program can enhance workplace safety. However, the standard adopted by OSHA would have a negative impact on Micron and would actually inhibit our ability to provide the safest possible workplace for our employees. Therefore, we strongly encourage you to vote for the Joint Resolution of Disapproval of the Standard under the Congressional Review Act.

While the ergonomics rule may be well intentioned, it is seriously flawed. These flaws include:

The proposed regulations exceed the authority granted OSHA under the Occupational Safety and Health Act of 1970 which reads in part, "Nothing in this Act shall be construed to supercede or in any manner affect any workmen's compensation law or to enlarge or diminish or affect in any other manner the common law or statutory rights, duties, or liabilities of employers and employees under any law with respect to injuries, diseases, or death of employees arising out of, or in the course of, employment." By creating a controversial new government mandated compensation program, OSHA exceeds its mandate of injury prevention and supercedes and negatively affects Idaho's worker's compensation law. Work restriction protection is, in effect, a federal workers compensation system which conflicts with state administered workers compensation.

State workers' compensation laws, would be undermined by OSHA's proposed regulations. The rule provides for compensation far in excess of that provided under Idaho's Workers' Compensation statutes. The added compensation would leave such employees with little incentive to return to work following an accident.

The rule seems to state that the injury need not even be caused by the workplace in order for a worker to be compensated under the rule. Also the difficulty in diagnosing the cause or even confirming the existence of musculoskeletal disorders is well known. These facts confirm the rule is a clear invitation to fraud.

We are concerned that the regulation is ahead of the science and that individual solutions do not always work generally. We have learned through implementing our own program that for some employees, isolating workplace causes is straightforward. For others it is not, depending upon activities outside the workplace and unique physiology.

Even if the causal link between the injury and the workplace can be identified, abatement is sometimes not clear. Yet, the rule

now creates potential liability for the employer with no clear objective way to achieve compliance. This is not appropriate.

With a single-event trigger and the broad remedies mandated when such an event occurs, we will be forced to allocate limited resources to solve problems that may not really exist, diverting those resources from where they can be best used to provide the safest possible workplace.

Disputed claims would likely have to work their way through both the OSHA system and the states' workers' compensation system, greatly increasing the cost to employers. Since the OSHA rule does not establish a system for dispute resolution, it is likely that implementation of the rule would result in a flood of litigation that would inundate an already overtaxed federal court system.

The paperwork created by the standard is extremely burdensome and does not necessarily lead to increased safety.

As you can see OSHA's ergonomics program standard is flawed in virtually all aspects and will negatively impact jobs, safety, employee benefits, costs to consumers and profitability. It is incumbent on Congress to disapprove the rules and to consider more appropriate approach to reducing injuries in the workplace. If you have any questions regarding the ergonomics rule and its impact on my company, please feel free to contact me.

Sincerely,

JAY HAWKINS,
V.P. Operations.

IDAHO FARM BUREAU FEDERATION,
Pocatello, ID, March 6, 2001.

Hon. BUTCH OTTER,
Longworth House Office Building,
Washington, DC.

Attn: Todd Urgerecht, Legislative Affairs Director.

DEAR REPRESENTATIVE OTTER: The Senate is scheduled to begin debate on Joint Resolution of Disapproval (JRD) on the ergonomic protection standard on Tuesday, March 6, and vote on the resolution on Wednesday, March 7. The House may vote on the Senate-passed resolution on March 8, or March 9.

The Idaho Farm Bureau Federation urges you to support the Joint Resolution of Disapproval on the ergonomic protection standard.

Passage of the JRD would invalidate the ergonomic protection standard promulgated by the Occupational Safety and Health Administration in November 2000. OSHA would still be free to offer guidelines and enforce other OSHA requirements for workplaces to be free of recognized hazards. OSHA would be prohibited from re-introducing substantially the same regulation later.

Common Arguments Against a Congressional Review Act JRD and appropriate responses:

The National Academy of Sciences (NAS) study that employers supported and obtained funding for confirms the need for an ergonomics regulation.

False: The NAS study clearly shows the contradictory nature of the research on ergonomic injury and work-relatedness. NAS even acknowledges that "psycho-social factors" (like personal stress, whether one likes one's job or employer) are major contributors to workplace ergonomic injuries.

Employers are desperately seeking ways to overturn the regulation even though "all the scientific evidence" indicates it is needed.

False: OSHA rushed the ergonomic standard through at the 11th hour of the Clinton administration despite the equivocal NAS

evaluation of the science. The American College of Occupational and Environmental Medicine was so concerned about the science supporting the ergonomic regulation that it withdrew its earlier support of an ergonomics standard once OSHA published it.

Passing a Joint Resolution of Disapproval will prevent OSHA from ever addressing the issue of workplace ergonomic injuries.

False: If Congress passes a JRD, the Congressional Review Act forbids OSHA from again promulgating a regulation that is "substantially" the same. OSHA would retain the right to issue guidance to employers to prevent ergonomic injuries, to promulgate best management practices, and even promulgate a future rule that is substantially different from the November 2000 regulation.

Thank you for your consideration of this matter.

Sincerely yours,

RICK D. KELLER,
Executive Vice President, CEO.

Mr. ENGEL. Mr. Speaker, I rise in opposition to the resolution to repeal the ergonomics rule on repetitive motion syndrome issued by the Occupational Safety and Health Administration (OSHA). OSHA has been working on the new regulations for the last 10 years and that work has produced a rule that will protect our nation's workforce from what then Secretary of Labor, Elizabeth Dole, called "one of the nation's most debilitating across-the-board worker safety and health illnesses in the 1990's."

The plain truth is that America's workers suffer thousands of injuries every day and millions of injuries every year. While not all injuries are unavoidable, we in Congress have a duty to protect our workers from unnecessary injury. The ergonomics rule will prevent thousands of injuries due to repetitive motion syndrome. It has been estimated that the new protections will prevent over four and a half million injuries over the next ten years and save employers and workers \$9 billion each year. We cannot let this opportunity pass us by. The fact that the resolution would prevent similar regulations from being implemented in the future is unconscionable. Repetitive motion syndrome is a real problem that will not go away with the passage of this resolution.

Our workforce is suffering and we can ill afford to repeal this much needed rule and leave workers without any of the protections deemed necessary by OSHA. It is amazing to me that the Republicans have resorted to dusting off the rule book to use a technicality as a means of blocking this provision. What are we to say to the thousands of workers that will suffer from repetitive motion syndrome in the years to come if this rule is repealed. I don't think that those suffering will be heartened by the notion that this is political posturing at its best.

We cannot let this resolution pass. We must let the ergonomics rule take affect so that our workers will enjoy the safety and protection due to them. I urge all my colleagues to vote no on the resolution.

Mr. CROWLEY. Mr. Speaker, I rise today in opposition to the Congressional Review Act (CRA) resolution to repeal the ergonomics workplace safety standards.

Each year, one million workers in this country miss work as a result of the stress and strain of injury inflicted by hazardous work

conditions. These individuals suffer from a variety of disorders, such as carpal tunnel syndrome, tendonitis and back injuries among others.

After ten years of public process initiated by former Labor Secretary Elizabeth Dole, the U.S. Department of Labor's Occupational Safety and Health Administration issued an ergonomic standard, which went into effect earlier this year.

During the entire time that the ergonomic standard was being considered, the Republican leadership of this body stalled any implementation of a standard. They claimed that the Department of Labor lacked any sound and scientific basis for its proposed ergonomic standard.

They continually demanded that we wait until a report by the National Academy of Sciences was issued before we promulgated any rule.

Well, the Academy of Sciences conducted an exhaustive two-year study focused upon the causation, diagnosis and prevention of musculoskeletal disorders and concluded that there is a direct causal relationship between the workplace and ergonomic injuries. In addition, they also concluded that ergonomic injury could significantly be reduced through workplace interventions.

This is good science. Just like the Republicans demanded! I feel good to support my GOP friends in demanding good science and now we have it!

But instead science is not the issues. This is just another attempt by the Republican Party to ignore the needs of the hard working Americans that make our country run each day.

Repealing the OSHA ergonomic ruling would impose a substantial economic burden in compensation cost, lost wages and productivity, totaling an annual loss of nearly 50 billion dollars.

American workers have been the driving force behind our economy for so many years. These men and women, people like the individuals I represent in Queens and the Bronx, New York deserve the right to work in safe ergonomically correct work environments where their health is not in danger.

Let's give the American people something that they will really see and reap the benefits from each day—safe-working environments.

This is not only good science, but good policy.

Mr. LANGEVIN. Mr. Speaker, I rise today to express my strong opposition to S.J. Res. 6. This resolution would effectively overturn ten years of scientific study, public debate and agency efforts, which have resulted in a comprehensive and historic rule to protect the health and safety of America's workers.

In 1990, when this process was initiated, Labor Secretary Elizabeth Dole expressed her concern that repetitive stress injuries constituted one of the most serious worker safety issues of the decade. Now it is a new decade, and we finally have a standard in place to prevent millions of injuries and create a safer environment in workplaces across the country. It would be a tragedy to dismantle all the progress that has been made and deny our workers the protections they deserve.

I understand the concerns of many business owners that compliance with the ergonomics

rule will impose an economic and administrative burden, and I am particularly sensitive to the potential impact of the rule on small businesses, which drive the economy of Rhode Island and many other states. However, OSHA estimates have shown that, while the new standard will cost business approximately \$4.5 billion annually, it will likely save twice that much in worker's compensation and lost productivity each year.

I am committed to ensuring that the Department of Labor stands ready to offer any technical assistance businesses need in implementing the new standard in individual workplaces, and I would be willing to revisit this issue as we begin to develop a clearer picture of the actual costs and benefits of the rule. However, I am not prepared to reverse this landmark standard, which stands to benefit so many millions of hard-working Americans, before we have even given it a chance to work. Therefore, Mr. Speaker, I will vote against this ill-advised resolution, and I urge my colleagues to do the same.

Mr. STARK. Mr. Speaker, I am opposed to S.J. Res. 6 to repeal the Occupational Safety and Health Administration's ergonomics standard. Using the Congressional Review Act to overturn the OSHA ergonomics standard would be an extraordinary action, the first of its kind. It would be the first time in 30 years Congress reversed a legally established worker safety measure. It would be the first time CRA has been used to overturn any federal rule or regulation, much less one that was issued through ten years of public process.

The regulations, scheduled to go into effect this October, draw from the businesses that have successfully prevented ergonomic injuries or reduced their severity in the workplace. Repetitive injuries are one of the leading causes of work-related illness. More than 647,000 American workers suffer serious injuries and illnesses due to musculoskeletal disorders, costing businesses \$15 to \$20 billion annually in workers' compensation costs.

The standard—ten years in the making—could be overturned without any meaningful consideration of the facts and without workers having a chance to be heard. One hour of debate time is insufficient when it comes to the health and safety of the American worker. Don't be misled. Use of the CRA would not send the standard back to the drawing board. Rather, it would effectively prohibit OSHA from issuing a protective standard to address the nation's largest job safety program. This effort should be seen for what it is—an effort to kill any ergonomics standard once and for all.

Unfortunately, the ergonomics regulations are opposed by the majority party for the cost they would impose upon employers without regard for the value they would provide to the workforce and the long-term benefits to our economy. Basic safety in the workforce should be given, not some benefit that can be dropped at an employer's whim. I oppose efforts to delay or overturn regulations that would enhance safety in the workplace.

I urge my colleagues to vote "no" on the resolution before us today.

Mr. CUNNINGHAM. Mr. Speaker, I rise today in support of S.J. Res. 6, The Ergonomics Rule Disapproval Resolution. I am pleased that this resolution has moved so

quickly to the House floor, and I hope that it will soon be on its way to the White House to be signed by President Bush.

I have very grave concerns about the ergonomics regulations promulgated by the Occupational Safety and Health Administration (OSHA) under the Clinton Administration. As a Member of the Labor, Health and Human Services Subcommittee, I have worked for years to prevent OSHA from issuing these rules.

I support workplace safety, and I think that it is difficult to make the case that by supporting this resolution, I am an advocate of unsafe work environments. In fact, America's workplaces are safer than ever. Workplace injuries, sicknesses, and deaths have been declining for one hundred years because America's employers have market-based incentives to keep workplaces safe. Hazardous workplaces mean more lost workdays and high workers' compensation insurance premiums. Both of these factors translate to lost profits. There is no doubt that it is in every business owner's interest to promote a safe workplace. In addition to market incentives, I am also supportive of programs like the successful Voluntary Protection Program, which promote safety through cooperative means and education.

OSHA's risky ergonomics scheme is another effort to gore small business that must be stopped. This hastily enacted regulation consumes over 300 pages of fine print in the Federal Register, is accompanied by over 50,000 pages of supporting information in the docket, and has an 800-page index. OSHA gave American businesses just two months to comment (then added on an additional 30 days) on a regulation which is anticipated to cost billions of dollars to implement. I would argue that 90 days is barely enough time to read and digest the regulation, let alone provide comment. I am further concerned that the rules are so broad, confusing, and subjective that employers could never know if they are in compliance.

Beyond my basic concerns regarding the substance of the regulations themselves, I am outraged by the flawed process that was used to implement the regulation. With my support, language was included in the FY01 Labor HHS Appropriations bill barring OSHA from implementing the rule. An effort to strip this language from the bill failed on the House floor last June by a vote of 201–220. The same language barring the ergonomics rule was added to the Senate bill in an amendment on the Senate floor. Congress overwhelmingly supported delay of this rule. While we in Congress knew that President Clinton would not support our position, we were confident that President Clinton would have to negotiate with us.

Ultimately, Congress and the White House reached an agreement that no action would be taken on the ergonomics regulations, and that the issue would be left for the next Administration—be it a Bush Administration or a Gore Administration—to resolve. On November 14, 2000, while the Congress was in recess, President Clinton took matters into his own hands and moved ahead with the regulations, openly defying the will of Congress. This rush to implement the regulation showed the Con-

gress that President Clinton had not negotiated in good faith. Furthermore, these rules were implemented to go into effect in January, just days before a new President would take office. The process made the new President unable to repeal the regulations. The process that President Clinton chose to put forth this regulation left this Congress with no option but to utilize the Congressional Review Act.

And so I stand here today, Mr. Speaker, because flawed regulations were put forth by a lame-duck President, against the will of Congress. These regulations were not based on sound science. They will cost businesses countless dollars, and unnecessarily destroy jobs. These regulations do not protect workers from injury. Instead, the cost to implement these rules puts workers at risk of being unemployed.

I am confident that no American workers will be injured as a result of the legislation that I hope will pass this House today. Congress has already received assurances from Secretary of Labor Elaine Chao that she will place a high priority on assuring worker safety and protection. I applaud her for her efforts, and I applaud the small businesses in my congressional district and across the country who have voluntarily made their workplaces safe, without the intrusion of the long arm of the federal government. I rise in support of S.J. Res. 6, and urge my colleagues to join me.

Mr. LAFALCE. Mr. Speaker, I rise today in strong opposition to S.J. Res. 6, a resolution disapproving and overturning the OSHA ergonomics standards that took effect earlier this year.

I oppose this resolution because I believe these standards provide businesses of all sizes with the flexibility to comply in an efficacious manner and will not only protect worker health but will also save American businesses billions of dollars in the long-term. Moreover, I am deeply troubled by this unprecedented use of the Congressional Review Act to undo a rule that goes to the heart of the Federal Government's mission to protect worker safety and health; a rule that is the product of 10 years of study by the Occupational Safety and Health Administration (OSHA), 11 "best practices" conferences, and a nearly 9-month public comment period; and a rule that is supported by thousands of scientific studies, including, most recently one mandated by Congress by the National Academy of Sciences.

Each year, there are 1.8 million workers who suffer from musculoskeletal disorders, and 600,000 men and women have injuries so severe they are forced to take off work. The Bureau of Labor Statistics in my home state of New York reported that more than 48,000 private sector workers had serious injuries from ergonomic hazards in the workplace, and an additional 18,444 public sector workers had injuries serious enough for them to lose time from work. Obviously, there is a serious problem here.

I urge Members to think beyond the workplace as well. Think of the mother suffering from carpal tunnel syndrome who is unable to open a jar of baby food for her son, or the father suffering lower back pain who can no longer play a game of catch with his daughter; the life-long friend who cannot take that annual fishing trip or golf outing with you anymore because of an on-the-job injury; or the

neighbors who after a career on the assembly line need your help to do yard work because they are no longer able to hold a rake to clean-up leaves or to bend over to plant flowers and pull weeds from the garden. These are the victims—family, friends, neighbors, and these are the everyday, pernicious consequences of repetitive stress injuries that not only affect a person's ability to work, but also their ability to live a normal life.

In January, when the Clinton administration issued regulations crafted by OSHA over the last decade to prevent work-related musculoskeletal injuries, such as carpal tunnel syndrome and other repetitive-stress injuries, working families across America cheered. Finally, protections would be in place to address what is easily one of the costliest and the most frequent workplace health threats.

Yet the business community, from small firms to large manufacturers, oppose this ergonomics rule with near unanimity. In my view, their decision is a mistake, a position arrived at due to disinformation and misunderstandings. Business owners should view the creation of an ergonomically friendly workplace like any other business investment, such as upgrading computer hardware and software or replacing outdated factory equipment with new, technologically sophisticated machines. Compliance with this OSHA rule is a short-term cost that will enhance both the safety and the productivity of America's workforce and lead to long-term benefits and profits for America's businesses.

I certainly understand how frustrating onerous and rigid federal regulations can be to businesses—large, medium, and small—but that is not the case here. These workplace safety regulations are neither unnecessary nor rigid. Worker compensation costs related to repetitive-motion injuries, and the costs related to these injuries in terms of worker health and quality of life, are reason enough to keep in place this effective regulatory solution to the most important safety and health problem workers face everyday. Moreover, reasonable flexibility for employers and protections against abuse by employees are built-in to the rules by OSHA—particularly the provisions allowing employers to determine whether an injury is work-related, and allowing employers to determine how best to reduce hazards and deal with ergonomic problems in their workforces.

I am also deeply concerned about the use of the Congressional Review Act in this instance and its ramifications on any and all ergonomics standards in the future. First, we will debate just for one hour a resolution that, if passed, would overturn a decade of research, studies, and hearings initiated by Republican Secretary of Labor Elizabeth Dole. This is no way to legislate. Second, the Congressional Review Act not only blocks the OSHA rule under consideration, but also blocks any subsequent ergonomics rule that is "substantially" similar. I can appreciate the desire by some to make changes to the ergonomics standard, but these changes should be made administratively. Most importantly, they should be based on sound science and on the legitimate concerns of both workers and businesses.

In closing, I urge all of my colleagues to join me in opposition to this outrageous, antiworker resolution.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise to support S.J. Res. 6, the Ergonomics Rule Disapproval Resolution.

Small business is the engine that drives our national and local economies. I am deeply concerned about the impact that this ergonomics rule would have for these reasons. Since the Department of Labor submitted the Occupational Safety and Health Administration (OSHA) rule on ergonomics on November 14, 2000, I have heard from many small businesses in my district concerned about the consequences of this rule on their places of business.

While many American businesses are committed to providing a safe workplace for their employees by improving safety standards and protecting their employees' health, they are particularly troubled by the ambiguous procedures and vague definitions that OSHA promulgated through the ergonomics rulemaking. The rule holds employers responsible for paying 80 percent of an employee's pay for 90 days should his or her job contribute to a musculoskeletal disorder (MSD). In addition, the OSHA rule is unprecedented in scope and is based on uncertain science, both in its treatment of alleged MSD and in their relationship to the workplace.

Presently, MSDs are poorly defined with no differentiation between on the job injuries and those which are pre-existing. It is impossible to ignore non-work-related factors, yet OSHA requires employers to do so. Furthermore, there is no medical standard for confirming injuries or a standard treatment protocol. The lack of scientific or medical standards will only add to the confusion.

Additionally, the OSHA ergonomics regulation may conflict with state workers' compensation laws. Employers will be left to determine whether to follow a federal OSHA requirement or state workers' compensation laws when any MSD occurs. The OSHA ergonomics rule overrides well-established state standards that set compensation levels for injured workers and determine whether or not a condition is work-related.

The National Academy of Science report concluded that "None of the common musculoskeletal disorders is uniquely caused by work exposures" and that further "research is needed to clarify such relationships."

By OSHA's own estimates, this ergonomic rule will cover over 102 million employees, 18 million jobs, and 6.1 million businesses and cost almost \$100 billion a year to implement. And there are no guarantees or certainties that this rule will protect workers or have a positive and lasting impact on workplace safety. Furthermore, OSHA's rush to judgment in issuing this regulation to meet artificial deadlines exemplifies irresponsible governmental action.

I will continue to support common-sense protections for all workers. In addition, I will continue to support legislation to ensure that there are adequate workplace safety standards and rules for all workers. However, I do not believe that the OSHA ergonomics rule is the solution. For these reasons, I urge all my colleagues to support S.J. Res. 6.

Mr. BLUMENAUER. Mr. Speaker, we are being forced to vote today on this resolution of disapproval for OSHA's ergonomic standard. This is an all or nothing approach.

Our effort to bring about improved ergonomics for our nation's workers was started by Elizabeth Dole when she was George Bush, Sr.'s Secretary of Labor ten years ago. What we are attempting to address is the single largest workplace safety and health problem in the United States: the work-related stress and strain injury and disorders that cost the economy over \$50 billion every year. Employers pay between \$15 and \$18 billion in worker's compensation costs alone for these injuries. We can do something about it.

The National Academy of Science backs the scientific basis for OSHA ergonomic standards. An exhaustive 2-year study conducted by 19 experts in the field found that there is a direct relationship between the workplace and ergonomic injuries, and ergonomic injuries can be significantly reduced through workplace interventions. Now the Republican leadership wants to ignore the very study it mandated. It is the wrong step to just overturn this rule. We need to take action to protect the health and safety of working families.

The OSHA standard is only 9 pages long, and it is written in plain English. To serve the needs of our workers as well as to prudently address costs and benefits, I urge a no vote on the resolution of disapproval for the ergonomics rule.

Mr. RUSH. Mr. Speaker, it is with great disappointment that I stand here today to voice my objection to Senate Joint Resolution 6, Disapproving Resolution for the OSHA Workplace Safety Rule. This resolution is shortsighted and against the public policy Congress has been espousing over the last 20 years.

There is no question that workplace injuries exist and are prevalent. Workplace injuries account for one-third of all occupational injuries and illnesses and constitute the single largest job-related injury and illness problem in the United States. In my home state of Illinois, in 1998, 26,734 Illinois workers suffered workplace injuries that were so severe that they were forced to miss at least 1 day of work.

Also, workplace injuries currently cost businesses billions. The National Academy of Sciences has estimated that the costs of workplace injuries to employees and employers, and society as a whole can be conservatively estimated at \$50 billion annually. Again, in my home state of Illinois, the total statewide cost of workplace injuries, including lost wages and lost economic productivity, was approximately \$2.3 billion in 1998.

OSHA's workplace standards would simply establish preventive measures in the workforce to decrease workplace injuries, injuries which employers pay for in workman's compensation payments.

For the last 20 years, under both Republican and Democratic majorities and Presidents we have preached the virtues of prevention and preventive care. We pay for pap smears, nutrition programs, glucose testing, all in the hope of catching medical conditions at an early stage before they become more costly chronic conditions.

The repeal of the workplaces standard is a 180-degree turn from that history of preventive services. It is estimated that the standard could save employers approximately \$4.5 billion a year by helping keep workers healthy and productive.

Businesses and employees will pay for workplaces injuries in the future, they will pay through lost productivity and higher workman's compensation payments. By abandoning prevention, we are accepting a future of further injuries and greater cost.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today in strong opposition to the repeal of valuable and beneficial workplace safety standards. We now stand on the edge of turning back a measure that would have significantly improved the lives of hundreds of thousands of working people, without even maintaining the pretense of a working together in a bipartisan manner. There are substantive and, perhaps most importantly, procedural grounds why I must oppose this.

This worker safety rule was not simply created over night. This vote today will in fact erase a process that was 10 years in the making. It was also based on a 2-year study by the nonpartisan National Academy of Sciences which concluded that there is a great deal of scientific evidence showing repetitive workplace motions cause injuries that can be prevented through ergonomic intervention.

I have serious problems with the way this issue was brought before us in the House. In this situation, the resolution was rushed to the floor with little or no warning, and this vote will completely eliminate the worker safety rule, using a little known, never before used procedure, the Congressional Review Act. This resolution also prohibits the Occupational Safety and Health Administration from issuing a similar rule to protect the safety of workers, which clouds the issue further. Eliminating the rule under these circumstances rolls back years of investigation and review, and will force the effort to improve worker safety to start over from scratch, where it began more than 10 years ago. A more proper course of action would be to allow the rule to be adjusted, rather than wipe it away all together.

For all the positive talk about bipartisanship that has been heard in recent weeks, we have seen remarkably little on this matter. Debate has been stifled, and instead of forging a compromise between both sides that allowed the rule to be adjusted, this vote was taken to completely eliminate the rule.

I believe that this repeal will be a serious blow to working people in the United States. These ergonomic standards were designed to curb repetitive motion injuries for American workers in a wide-range of professions, including nurses, cashiers, truck drivers, construction workers, meat cutters, and those who operate computers. These are all people who are especially susceptible to injuries—which are often times crippling—caused by repetitive motion, heavy lifting, and forceful exertion.

In 1999, it was estimated that more than 600,000 people suffered from such injuries, and they account for one-third of all serious job-related injuries a year, making them the leading safety and health problem in today's workplaces.

I believe these standards would have resulted in savings to the companies that have opposed them. This issue concerns people who, because of their injuries, are unable to work and provide for their families and for themselves, and that causes lost productivity, which results in economic loss for business

and the country. In 1999, the Bureau of Labor Standards estimated that the cost of these injuries is \$45–50 billion each year. These injuries account for perhaps a third of employers' costs under state worker compensation laws.

So despite abundant evidence pointing in the direction of needed ergonomic standards for workplaces, this rule has been repealed, and the safety of working people has been ignored.

Ms. HOOLEY of Oregon. Mr. Speaker, I reluctantly rise in opposition of this resolution.

Coming from Oregon, I represent an area of the country where small businesses and family farms are the backbone of our local economy. As such, I'm extremely sympathetic to the concerns of the men and women who own these businesses, many of whom have contacted me in the last couple of weeks. After all, you can't have jobs without businesses.

I know that the OSHA regulation which we're about to kill is going to have unintended consequences. Any time a business is faced with further government regulations you're looking at increased paperwork and having to deal with federal employees who, lets be honest, sometimes can be difficult to work with.

For example, just last week I talked with a friend who owns a small hotel. Anyone who's been to Oregon knows it's one of the most beautiful places in the world, and we're heavily dependent on tourism. This person was overwhelmed by the proposed standard and rightly worried that he'd wind up being fined or lose his business because Washington had implemented a better mousetrap for Oregon. He didn't know if his employees would be limited in the number of bags they could pick up or how many stairs they'd be limited in climbing and hadn't had any luck in finding out the answers to his questions from OSHA.

Now when you're in my position and you're trying to do what's best for your district and for everyone who lives and works there, it's impossible not to be affected by legitimate concerns about the cost and application of the ergonomics standard.

That said, even with the potential problems that are posed by this regulation, I can't in good conscience vote for this resolution.

That's because ergonomic injuries and the pain they inflict on hundreds of thousands of workers and retirees are not a feat of the imagination, and if we don't act, they're not going to go away.

In the past 4 years, there have been three comprehensive reviews of the science identifying the cause of these injuries. Their conclusions have been consistent: exposure to ergonomic hazards in the workplace causes injuries, and these injuries can be prevented through interventions in the workplace.

In fact, no less an authority than the National Academy of Sciences was ordered by Congress to report on ergonomics and whether the related injuries actually existed, and if so, if these injuries were preventable. For those of you who don't know, the Academy was created by Congress nearly 140 years ago to provide scientific and technical advice to our government. Since its inception, the Academy has made recommendations to our government that vary from using long-lasting metal for the name markers on fallen soldiers' tombstones to creating the U.S. Geological

Service and the National Forest Service—both of which play an important role in Oregon.

Well, in its congressionally mandated report, the Academy of Sciences found there is "clear and compelling evidence" that musculoskeletal disorders (MSD's) are caused by certain types of work—and that those injuries can be reduced and prevented through workplace interventions. Add that report to the past 10 years in which the Department of Labor—in consultation with business, labor, and Congress—has worked to enact a fair, enforceable rule to protect America's workers from the real harm caused by ergonomic injuries.

But now, in the face of unrelenting pressure, we're not only about to cast aside 10 years of hard work, but Congress is about to prohibit OSHA from issuing a similar ergonomics rule in the future. And it's not just the 600,000 workers who every year are injured by repetitive motion that would suffer, but their families and their communities as well.

Thanks to carpal tunnel syndrome she acquired at her job at city hall, Mom might not be able to pick up her infant when he is sick or his older sister if she gets scared of the dark or correct homework because she can't hold a pencil. Dad might not be able to play catch with the kids or help them finish that science project because of the repetitive injuries he's suffered to his back after years of working the same saw at the local mill.

And because maybe Mom or Dad can no longer work the hours they used to or even stay in the same jobs, they can't buy as many groceries or another car or give their kids spending money to go see a movie with their friends or buy a comic book at the local mall.

So there's more to this issue that whether or not the OSHA regulation is confusing or that it will cost money to implement—in the long run, we know that employers will recoup the costs by providing a safe workplace and that consumers will have more money to spend.

While I certainly sympathize with the business owners and entrepreneurs who feel this rule infringes on their rights, the evidence is clear that by doing nothing we're not only harming millions of Americans, but harming our economy as well.

This is the biggest occupational health crisis affecting American workers today, and I urge my colleagues to allow OSHA to protect them from ergonomics injuries and to oppose this resolution.

Ms. KILPATRICK. Mr. Speaker, according to the National Science Foundation, over 1 million people suffer musculoskeletal disorders which cost the nation between \$45 billion and \$54 billion in compensation expenditures, lost wages, and decreased productivity. The National Science Foundation and other research institutions studied this issue and they came to the conclusion that these injuries can be reduced substantially with well-designed workplaces.

It was the Administration of President George H. W. Bush that established the relationship of ergonomically designed jobs and work-related illnesses in 1989. The results of a Labor Department study investigation found that flawed workplace designs is one of the leading causes of work-related illnesses and employers' costs under state workers' compensation laws. In response to these findings,

the Labor Department—under a different administration, the Clinton administration—issued a proposed ergonomic standard for public comment in 1994.

But Congress intervened in the rulemaking process. Congress adopted language in the fiscal year 1995 Labor Department spending bill that prohibited the Department from issuing a final standard. Subsequent prohibitions were congressionally imposed in fiscal years 1996 and 1998.

In October 1998, the National Academy of Sciences issued a report that identified a significant statistical link between workplace exposures and musculoskeletal disorders. OSHA issued a draft rule in 1999 and published a final rule by November 2000.

In the course of this issue's 10-year history, distinguished Members on the other side of the aisle have sought to kill this effort to promote workplace safety. We find ourselves here again debating an issue that threatens to expose millions of hard working Americans to workplace hazards due to jobs that require repetitive movements and muscular stress.

Supporters of this joint resolution advance the argument that if this resolution of disapproval is enacted, the Bush administration will pursue a comprehensive approach to ergonomics. It's hard to take that argument seriously when the other side has consistently and persistently opposed every effort by the Labor Department to issue an ergonomic standard.

Moreover, the interests that oppose the current ergonomic rule cite that the costs of complying with the standard are likely to be \$90 or \$100 billion. But they do not cite the cost savings to businesses in workers' compensation costs and lost productivity. According to OSHA, the estimates are that the standard will cost American businesses \$4.5 billion annually, but it will also save businesses \$9.1 billion in workers' compensation costs and lost productivity.

The special interests who support this resolution of disapproval are the same interests who argued that the Family and Medical Leave Act of 1993 would impose too much of a cost and administrative burden on employers. They were wrong then and they are wrong now.

The special interests who support this resolution of disapproval are the same interests who argued that increasing the minimum wage in 1996 would weaken the economy and reduce job growth. They were wrong then and they are wrong now.

The special interests that support this resolution of disapproval argue that the ergonomic standard is too burdensome and costly for employers to implement. They are wrong now and they will be proven wrong in the future.

How can an ergonomic standard be burdensome to an employer when the employer is vested with the responsibility of determining whether an employee injury is work related? It's not the federal government determining if the employee's injury is work related. It's the employer! How can the opponents of this standard honestly suggest that bureaucrats are imposing a one-size-fits-all approach to workplace safety when it is the employer who determines how best to deal with ergonomic problems in their workforce?

One can only conclude that supporters of the resolution of disapproval are the same forces who have little regard for workplace safety and are long-time opponents of the Occupational Safety and Health Administration.

If you support workplace justice, if you support the right of people to work in a healthy environment, if you support basic human decency, then I urge my colleagues to vote against this resolution.

Mr. COSTELLO. Mr. Speaker, I rise today to oppose S.J. Res. 6, a resolution to disapprove the ergonomics regulation promulgated by the Occupational Safety and Health Administration in January. I will vote to uphold this regulation because I believe that worker safety must be our first priority. This process was originated a decade ago during the first Bush administration, and there is more than sufficient evidence to show the devastating impact of these injuries on the workforce. In 1998 alone, ergonomic injuries caused 26,734 employees in Illinois to miss at least one day of work, and cost employees and employers in the State an estimated \$2.3 billion.

However, I also understand the concern that the regulation may overreach in some areas. The best way to address this concern is to let the rule stand, and then work to modify it. The approach we are taking today threatens any future action on this issue, by not allowing a similar rule to be enacted at a later date. It is my hope that if this resolution passes Secretary of Labor Chao will, as she has previously stated, continue to pursue a comprehensive approach to ergonomics and that a regulation with wide support will be enacted in the near future to protect working men and women in Illinois and across the nation.

Mr. Speaker, the success of this resolution must not become a tremendous loss for workers across the country. I hope this body will continue to give this topic the attention that it deserves.

The SPEAKER pro tempore (Mr. HANSEN). All time for debate has expired.

Pursuant to House Resolution 79, the Senate joint resolution is considered as having been read for amendment, and the previous question is ordered.

The question is on the third reading of the Senate joint resolution.

The Senate joint resolution was ordered to be read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the Senate joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GEORGE MILLER of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 223, nays 206, not voting 4, as follows:

[Roll No. 33]

YEAS—223

Aderholt	Goodlatte	Pitts
Akin	Goss	Platts
Armey	Graham	Pombo
Bachus	Granger	Portman
Baker	Graves	Pryce (OH)
Ballenger	Green (WI)	Putnam
Barr	Greenwood	Radanovich
Bartlett	Gutknecht	Ramstad
Barton	Hall (TX)	Regula
Bass	Hansen	Rehberg
Bereuter	Hart	Reynolds
Biggert	Hastert	Riley
Bilirakis	Hastings (WA)	Rogers (KY)
Blunt	Hayes	Rogers (MI)
Boehner	Hayworth	Rohrabacher
Bonilla	Hefley	Ros-Lehtinen
Bono	Herger	Roukema
Boyd	Hilleary	Royce
Brady (TX)	Hobson	Ryan (WI)
Brown (SC)	Hoekstra	Ryun (KS)
Bryant	Hostettler	Scarborough
Burr	Houghton	Schaffer
Burton	Hulshof	Schrock
Buyer	Hunter	Sensenbrenner
Callahan	Hutchinson	Sessions
Calvert	Hyde	Shadegg
Camp	Isakson	Shaw
Cannon	Issa	Shays
Cantor	Istook	Sherwood
Capito	Jenkins	Shimkus
Carson (OK)	John	Simmons
Castle	Johnson (CT)	Simpson
Chabot	Johnson (IL)	Sisisky
Chambliss	Johnson, Sam	Skeen
Clement	Jones (NC)	Skelton
Clyburn	Keller	Smith (MI)
Coble	Kelly	Smith (TX)
Collins	Kennedy (MN)	Souder
Combest	Kerns	Spence
Cooksey	Kingston	Spratt
Cox	Kirk	Stearns
Cramer	Knollenberg	Stenholm
Crane	Kolbe	Stump
Crenshaw	LaHood	Sununu
Cubin	Largent	Sweeney
Culberson	Latham	Tancredo
Cunningham	LaTourette	Tanner
Davis, Jo Ann	Leach	Tauzin
Davis, Tom	Lewis (CA)	Taylor (MS)
Deal	Lewis (KY)	Taylor (NC)
DeLay	Linder	Terry
DeMint	Lucas (OK)	Thomas
Diaz-Balart	Manzullo	Thornberry
Dooley	McCrery	Thune
Doolittle	McInnis	Tiahrt
Dreier	McIntyre	Tiberi
Duncan	McKeon	Toomey
Dunn	Mica	Turner
Ehlers	Miller (FL)	Upton
Ehrlich	Miller, Gary	Vitter
Emerson	Moran (KS)	Walden
English	Morella	Walsh
Everett	Myrick	Wamp
Flake	Nethercutt	Watkins
Fletcher	Ney	Watts (OK)
Foley	Northup	Weldon (FL)
Fossella	Norwood	Weller
Frelinghuysen	Nussle	Whitfield
Gallegly	Osborne	Wicker
Ganske	Ose	Wilson
Gekas	Otter	Wolf
Gibbons	Paul	Young (AK)
Gilchrest	Pence	Young (FL)
Gillmor	Peterson (PA)	
Goode	Pickering	

NAYS—206

Abercrombie	Blagojevich	Clayton
Ackerman	Blumenauer	Condit
Allen	Boehert	Conyers
Andrews	Bonior	Costello
Baca	Borski	Coyne
Baird	Boswell	Crowley
Baldacci	Boucher	Cummings
Baldwin	Brady (PA)	Davis (CA)
Barcia	Brown (FL)	Davis (FL)
Barrett	Brown (OH)	Davis (IL)
Bentsen	Capps	DeFazio
Berkley	Capuano	DeGette
Berman	Cardin	Delahunt
Berry	Carson (IN)	DeLauro
Bishop	Clay	Deutsch

Dicks	Lampson	Petri
Dingell	Langevin	Phelps
Doggett	Lantos	Pomeroy
Doyle	Larsen (WA)	Price (NC)
Edwards	Larson (CT)	Quinn
Engel	Lee	Rahall
Eshoo	Levin	Rangel
Etheridge	Lewis (GA)	Reyes
Evans	Lipinski	Rivers
Farr	LoBiondo	Rodriguez
Fattah	Lofgren	Roemer
Ferguson	Lowey	Ross
Filner	Lucas (KY)	Rothman
Ford	Luther	Roybal-Allard
Frank	Maloney (CT)	Rush
Frost	Maloney (NY)	Sabo
Gephardt	Markey	Sanchez
Gilman	Mascara	Sanders
Gonzalez	Matheson	Sandlin
Gordon	Matsui	Sawyer
Green (TX)	McCarthy (MO)	Saxton
Grucci	McCarthy (NY)	Schakowsky
Gutierrez	McCollum	Schiff
Hall (OH)	McDermott	Scott
Harman	McGovern	Serrano
Hastings (FL)	McHugh	Sherman
Hill	McKinney	Slaughter
Hilliard	McNulty	Smith (NJ)
Hinchee	Meehan	Smith (WA)
Hinojosa	Meek (FL)	Snyder
Hoefel	Meeks (NY)	Solis
Holden	Menendez	Stark
Holt	Millender-	Strickland
Honda	McDonald	Tauscher
Hooley	Miller, George	Thompson (CA)
Horn	Mink	Thompson (MS)
Hoyer	Moakley	Thurman
Inslee	Mollohan	Tierney
Israel	Moore	Towns
Jackson (IL)	Moran (VA)	Trafiacant
Jackson-Lee	Murtha	Udall (CO)
(TX)	Nadler	Udall (NM)
Jefferson	Napolitano	Velázquez
Johnson, E. B.	Neal	Visclosky
Jones (OH)	Oberstar	Waters
Kanjorski	Obey	Watt (NC)
Kaptur	Oliver	Waxman
Kennedy (RI)	Ortiz	Weiner
Kildee	Owens	Weldon (PA)
Kilpatrick	Pallone	Wexler
Kind (WI)	Pascrell	Woolsey
King (NY)	Pastor	Wu
Klecza	Payne	Wynn
Kucinich	Pelosi	
LaFalce	Peterson (MN)	

NOT VOTING—4

Becerra	Shows
Oxley	Stupak

□ 1926

Mr. HORN changed his vote from "yea" to "nay."

Mr. SANDLIN changed his vote from "present" to "nay."

So the Senate joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RESIGNATION AS MEMBER OF COMMITTEES ON RESOURCES, ARMED SERVICES, AND TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore (Mr. HANSEN) laid before the House the following resignation as a member of the Committees on Resources, Armed Services, and Transportation and Infrastructure:

Hon. J. DENNIS HASTERT,
Speaker of the House, Washington, DC.

DEAR MR. SPEAKER: Effective today, I hereby resign from the Committees on Re-

sources, Armed Services and Transportation and Infrastructure.

Sincerely,

DON SHERWOOD,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted. There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON THE BUDGET

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on the Budget:

Hon. J. DENNIS HASTERT,
Speaker of the House, Washington, DC.

DEAR MR. SPEAKER: I herewith resign my seat on the Budget Committee as a representative appointed by the Appropriations Committee

Sincerely,

JOE KNOLLENBURG,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted. There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON THE BUDGET

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on the Budget:

Hon. J. DENNIS HASTERT,
Speaker of the House, Washington, DC.

DEAR MR. SPEAKER: I herewith resign my seat on the Budget Committee as a representative appointed by the Appropriations Committee.

Sincerely,

ZACH WAMP,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted. There was no objection.

ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. THUNE. Mr. Speaker, I offer a resolution (H. Res. 82) and I ask unanimous consent for its immediate consideration in the House.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 82

Resolved, That the following named Members be, and are hereby, elected to the following standing committees of the House of Representatives:

Appropriations: Mr. Sherwood.

Committee on the Budget: Mr. Doolittle to rank after Mr. Hastings of Washington; Mr. LaHood and Ms. Granger to rank after Mr. Portman.

Committee on Education and the Workforce: Mr. Goodlatte to rank after Mr. Isakson.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1930

THE RIGHT TO VOTE IS FUNDAMENTAL

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, there is not a place that I have traveled either to my home State or elsewhere that the American people are not talking about the election of 2000. I believe that that is an issue that should be a priority for America, as well as it is for us to appreciate and commemorate and celebrate our Constitution. The right to vote is fundamental, and so I intend tonight and tomorrow to offer two pieces of legislation, one to establish a national holiday for Americans to vote during a Presidential year and, secondarily, an act that will study the issue of how we design a system that counts every vote and allows every American to vote, the Secure Democracy Act.

Those legislative initiatives will substitute for H.R. 60 and H.R. 62. We will establish a generic national holiday every 4 years so Americans who work every day will have the privilege and opportunity for expressing their choices and their rights to express the decision of who will be President and who will be elected to this body in the coming years.

I ask my colleagues to join me in support of this legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, the importance for ensuring the right to vote is a fundamental right guaranteed to every citizen of the United States. Many people were denied this fundamental right in the past presidential election partly because they were unable to vote due to work commitments.

The bill I am introducing tonight will substantially resolve this serious issue raised by last year's presidential election, the lack of time for people to vote or participate in the very important federal election process, due to employment commitments that keep many Americans from voting or acting as election day officials.

I firmly believe that the United States Constitution is not just there to protect me or people who agree with me, but it is there to also ensure that those who do not share my view also have equal access to the tools of democracy. My legislation would establish a National Election Day on the 2nd Tuesday of November, in presidential election years as a legal public holiday. I am now lending my full support to this new bill instead of H.R. 62, which I previously filed. I am now also removing my complete support from H.R. 62.